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COUNCIL ON ENVIRONMENTAL QUALITY, NATIONAL ENVIRONMENTAL POLICY ACT: Implementation of Procedural Provisions; Final Regulations

Questions or comments on this publication should be addressed to:

Editor
102 Monitor
Environmental Protection Agency
Office of Federal Activities (A-104)
401 M Street, SW
Washington, D.C. 20460
(202) 755-0780

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The Council Promulgates NEPA Regulations

On November 29, 1978, the Council on Environmental Quality published final regulations implementing the National Environmental Policy Act.

This culminates a lengthy rule-making process begun in the Summer, 1977 with public meetings, followed by a December 12, 1977 preliminary draft of the regulations for review by all interest groups and draft regulations published for comment on June 9, 1978.

The Council has succeeded in carrying out its objectives of reducing paperwork, reducing delay, and enhancing decision-making.

This Issue is highlighted by the inclusion of a reprint of the Council's regulations.

WEDNESDAY, NOVEMBER 29, 1978
PART VI

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federal register

COUNCIL ON ENVIRONMENTAL QUALITY

NATIONAL ENVIRONMENTAL POLICY ACT

Implementation of Procedural Provisions; Final Regulations

[3125-01-M]

Title 40—Protection of Environment

CHAPTER V—COUNCIL ON ENVIRONMENTAL QUALITY

NATIONAL ENVIRONMENTAL POLICY ACT—REGULATIONS

Implementation of Procedural Provisions

AGENCY: Council on Environmental Quality, Exective Office of the President.

ACTION: Final regulations.

SUMMARY: These final regulations establish uniform procedures for implementing the procedural provisions of the National Environmental Policy Act. The regulations would accomplish three principal aims: to reduce paperwork, to reduce delays, and to produce better decisions. The regulations were issued in draft form in 43 FR 25230-25247 (June 9, 1978) for public review and comment and reflect changes made as a result of this process.

EFFECTIVE DATE: July 30, 1979. (See exceptions listed in § 1506.12.)

FOR FURTHER INFORMATION CONTACT:

Nicholas C. Yost, General Counsel, Council on Environmental Quality, Executive Office of the President, 722 Jackson Place NW., Washington, D.C. 20006 (telephone number 202-633-7032 or 202-395-5750).

SUPPLEMENTARY INFORMATION:

1. Purpose

We are publishing these final regulations to implement the procedural provisions of the National Environmental Policy Act. Their purpose is to provide all Federal agencies with efficient, uniform procedures for translating the law into practical action. We expect the new regulations to accomplish three principal aims: To reduce paperwork, to reduce delays, and at the same time to produce better decisions which further the national policy to protect and enhance the quality of the human environment.

The Council on Environmental Quality is responsbile for overseeing Federal efforts to comply with the National Environmental Policy Act ("NEPA"). In 1970, the Council issued Guidelines for the preparation of environmental impact statements (EISs) under Executive Order 11514 (1970). The 1973 revised Guidelines are now in effect. Although the Council conceived of the Guidelines as non-discretionary standards for agency decisionmaking, some agencies viewed them as advisory only. Similarly, courts differed over the weight which should be accorded the Guidelines in evaluating agency compliance with the statute.

The result has been an evolution of inconsistent agency practices and interpretations of the law. The lack of a uniform, government-wide approach to implementing NEPA has impeded Federal coordination and made it more difficult for those outside government to understand and participate in the environmental review process. It has also caused unnecessary duplication, delay and paperwork.

Moreover, by the terms of Executive Order 11514, the Guidelines were confined to Subsection (C) of Section 102(2) of NEPA—the requirement for environmental impact statements. The Guidelines did not address Section 102(2)'s other important provisions for agency planning and decisionmaking. Consequently, the environmental impact statement has tended to become an end in itself, rather than a means to making better decisions. Environmental impact statements have often failed to establish the link between what is learned through the NEPA process and how the information can contribute to decisions which further national environmental policies and goals.

To correct these problems, the President issued Executive Order 11991 on May 24, 1977 directing the Council to issue the regulations. The Executive Order was based on the President's Constitutional and statutory authority, including NEPA, the Environmental Quality Improvement Act, and Section 309 of the Clean Air Act. The President has a constitutional duty to insure that the laws are faithfully executed (U.S. Const. art. II, sec. 3), which may be delegated to appropriate officials. (Title 3 U.S.C., Sec. 301). In signing Executive Order 11991, the President delegated this authority to the agency created by NEPA, the Council on Environmental Quality.

In accordance with this directive, the Council's regulations are binding on all Federal agencies, replace some seventy different sets of agency regulations, and provide uniform standards applicable throughout the Federal government for conducting environmental reviews. The regulations also establish formal guidance from the Council on the requirements of NEPA for use by the courts in interpreting this law. The regulations address all nine subdivisions of Section 102(2) of the Act, rather than just the EIS provision covered by the Guidelines. Finally, as mandated by President Carter's Executive Order, the regulations are

> "* * * * designed to make the environmental impact statement more useful to decisionmakers and the public; and to reduce paperwork and the accumulation of extraneous background data, in order to emphasize the need to focus on real environmental issues and alternatives."

2. Summary of Major Innovations in the Regulations

Following this mandate in developing the new regulations, we have kept in mind the threefold objective of less paperwork, less delay, and better decisions.

A. Reducing Paperwork

These regulations reduce paperwork requirements on agencies of government. Neither NEPA nor these regulations impose paperwork requirements on the public.

i. *Reducing the length of environmental impact statements.* Agencies are directed to write concise EISs (§ 1502.2(c)), which normally shall be less than 150 pages, or, for proposals of unusual scope or complexity, 300 pages (§ 1502.7).

ii. *Emphasizing real alternatives.* The regulations stress that the environmental analysis is to concentrate on alternatives, which are the heart of the process (§§ 1502.14, 1502.16); to treat peripheral matters briefly (§ 1502.2(b)); and to avoid accumulating masses of background data which tend to obscure the important issues (§§ 1502.1, 1502.15).

iii. *Using an early "scoping" process to determine what the important issues are.* A new "scoping" procedure is established to assist agencies in deciding what the central issues are, how long the EIS shall be, and how the responsibility for the EIS will be allocated among the lead agency and cooperating agencies (§ 1501.7). The scoping process is to begin as early in the NEPA process as possible—in most cases, shortly after the decision to prepare an EIS—and shall be integrated with other planning.

iv. *Using plain language.* The regulations strongly advocate writing in plain language (§ 1502.8).

v. *Following a clear format.* The regulations recommend a standard format intended to eliminate repetitive discussion, stress the major conclusions, highlight the areas of controversy, and focus on the issues to be resolved (§ 1502.10).

vi. *Requiring summaries of environmental impact statements.* The regulations are intended to make the document more usable by more people (§ 1502.12). With some exceptions, a summary may be circulated in lieu of the environmental impact statement if the latter is unusually long (§ 1502.19).

vii. *Eliminating duplication.* Under the regulations Federal agencies may prepare EISs jointly with State and local units of government which have "little NEPA" requirements (§ 1506.2).

They may also adopt another Federal agency's EIS (§ 1506.3).

viii. *Consistent terminology.* The regulations provide uniform terminology for the implementation of NEPA (§ 1508.1). For instance, the CEQ term "environmental assessment" will replace the following (nonexhaustive) list of comparable existing agency procedures: "survey" (Corps of Engineers), "environmental analysis" (Forest Service), "normal or special clearance" (HUD), "environmental analysis report" (Interior), and "marginal impact statement" (HEW) (§ 1508.9).

ix. *Incorporation by reference.* Agencies are encouraged to incorporate material by reference into the environmental impact statement when the material is not of central importance and when it is readily available for public inspection (§ 1502.21).

x. *Specific comments.* The regulations require that comments on environmental impact statements be as specific as possible to facilitate a timely and informative exchange of views among the lead agency and other agencies and the public (§ 1503.3).

xi. *Simplified procedures for making minor changes in environmental impact statements.* If comments on a draft environmental impact statement require only minor changes or factual corrections, an agency may circulate the comments, responses thereto, and the changes from language in the draft statement, rather than rewriting and circulating the entire document as a final environmental impact statement (§ 1506.4).

xii. *Combining documents.* Agencies may combine environmental impact statements and other environmental documents with any other document used in agency planning and decisionmaking (§ 1506.4).

xiii. *Reducing paperwork involved in reporting requirements.* The regulations will reduce the paperwork involved in reporting requirements as summarized below. In comparing the requirements under the existing Guidelines and the new CEQ regulations, it should be kept in mind that the regulations cover Sections 102(2)(A) through (I) of NEPA, while the Guidelines cover only Section 102(2)(C) (environmental impact statements). CEQ's new regulations will also replace more than 70 different existing sets of individual agency regulations. (Under the new regulations each agency will only issue implementing procedures to explain how the regulations apply to its particular policies and programs (§ 1507.3).)

Existing requirements (Applicable guidelines sections are noted)	New requirements (Applicable regulations sections are noted)
Assessment (optional under Guidelines on a case-by-case basis, currently required, however, by most major agencies in practice or in procedures) Sec. 1500.6.	*Assessment* (limited requirement: not required where there would not be environmental effects, or where an EIS will be required) Secs. 1501.3; .4.
Notice of intent to prepare impact statement Sec. 1500.6.	*Notice of intent* to prepare EIS and commence scoping process Sec. 1501.7.
Quarterly list of notices of intent Sec. 1500.6.	Requirement abolished.
Negative determination (decision not to prepare impact statement) Sec. 1500.6.	*Finding of no significant impact* Sec. 1501.4.
Quarterly list of negative determinations Sec. 1500.6.	Requirement abolished.
Draft EIS Sec. 1500.7	*Draft EIS* Sec. 1502.9.
Final EIS Sec. 1500.6, .10	*Final EIS* Sec. 1502.9.
EISs on non-agency legislative reports ("agency reports on legislation initiated elsewhere") Sec. 1500.5(a)(1).	Requirment abolished.
Agency report to CEQ on implementation experience Sec. 1500.14(b).	Requirement abolished.
Agency report to CEQ on substantive guidance Secs. 1500.6(c), .14.	Requirement abolished.
Record of decision (no Guideline provision but required by many agencies' own procedures and in a wide range of cases generally under the Administrative Procedure Act and OMB Circular A-95, Part I, Sec. 6(c) and (d), Part II, Sec. 5(b)(4)).	*Record of decision* (brief explanation of decision based in part on EIS that was prepared; no circulation requirement) Sec. 1506.2.

B. REDUCING DELAY

The measures to reduce delay are listed below.

i. *Time limits on the NEPA process.* The regulations encourage lead agencies to set time limits on the NEPA process and require that time limits be set when requested by an applicant (§§ 1501.7(b)(2), 1501.8).

ii. *Integrating EIS requirements with other environmental review requirements.* Often the NEPA process and the requirements of other laws proceed separately, causing delay. The regulations provide for all agencies with jurisdiction over a proposal to cooperate so that all reviews may be conducted simultaneously (§§ 1501.7, 1502.25).

iii. *Integrating the NEPA process into early planning.* If environmental review is tacked on to the end of the planning process, then the process is prolonged, or else the EIS is written to justify a decision that has already been made and genuine consideration may not be given to environmental factors. The regulations require agencies to integrate the NEPA process with other planning at the earliest possible time (§ 1501.2).

iv. *Emphasizing interagency cooperation before the EIS is drafted.* The regulations emphasize that other agencies should begin cooperating with the lead agency before the EIS is prepared in order to encourage early resolution of differences (§ 1501.6). We hope that early cooperation among affected agencies in preparing a draft EIS will produce a better draft and will reduce delays caused by unnecessarily late criticism.

v. *Swift and fair resolution of lead agency disputes.* When agencies differ as to who shall take the lead in preparing an EIS, or when none is willing to take the lead, the regulations provide a means for prompt resolution of the dispute (§ 1501.5).

vi. *Preparing EISs on programs and not repeating the same material in project specific EISs.* Material common to many actions may be covered in a broad EIS, and then through "tiering" may be summarized and incorporated by reference rather than reiterated in each subsequent EIS (§§ 1502.4, 1502.20, 1502.21, 1508.28).

vii. *Legal delays.* The regulations provide that litigation, if any, should come at the end rather than in the middle of the process (§ 1500.3).

viii. *Accelerated procedures for legislative proposals.* The regulations provide accelerated, simplified procedures for environmental analysis of legislative proposals, to fit better with Congressional schedules (§ 1506.8).

ix. *Categorical exclusions.* Under the regulations, categories of actions which do not individually or cumulatively have a significant effect on the human environment may be excluded from environmental review requirements (§ 1508.4).

x. *Finding of no significant impact.* If an action has not been categorically excluded from environmental review under § 1508.4, but nevertheless will not significantly affect the quality of the human environment, the agency will issue a finding of no significant impact as a basis for not preparing an EIS (§ 1508.13).

C. BETTER DECISIONS

Most of the features described above will help to improve decisionmaking. This, of course, is the fundamental purpose of the NEPA process the end to which the EIS is a means. Section 101 of NEPA sets forth the substantive requirements of the Act, the policy to be implemented by the "action-forcing" procedures of Section 102. These procedures must be tied to their intended purpose, otherwise they are indeed useless paperwork and wasted time.

i. *Recording in the decision how the EIS was used.* The new regulations re-

quire agencies to produce a concise public record, indicating how the EIS was used in arriving at the decision (§ 1505.2). This record of decision must indicate which alternative (or alternatives) considered in the EIS is preferable on environmental grounds. Agencies may also discuss preferences among alternatives based on relevant factors including economic and technical considerations and agency statutory missions. Agencies should identify those "essential considerations of national policy", including factors not related to environmental quality, which were balanced in making the decision.

ii. *Insure follow-up of agency decisions.* When an agency requires environmentally protective mitigation measures in its decisions, the regulations provide for means to ensure that these measures are implemented and monitored (§ 1505.3).

iii. *Securing more accurate, professional documents.* The regulations require accurate documents as the basis for sound decisions. As provided by Section 102(2)(A) of NEPA, the documents must draw upon all the appropriate disciplines from the natural and social sciences, plus the environmental design arts (§ 1502.6). The lead agency is responsible for the professional integrity of environmental documents and requirements are established to ensure this result, such as special provisions regarding the use of data provided by an applicant (§ 1506.5). A list of people who helped prepare documents, and their professional qualifications, shall be included in the EIS to encourage professional responsibility and ensure that an interdisciplinary approach was followed (§ 1502.17).

The regulations establish a streamlined process, and one which has a broader purpose than the Guidelines they replace. The Guidelines emphasized a single document, the EIS, while the regulations emphasize the entire NEPA process, from early planning through assessment and EIS preparation through decisions and provisions for follow-up. They are designed to gear means to ends—to ensure that the action-forcing procedures of Section 102(2) of NEPA are used by agencies to fulfill the requirements of the Congressionally mandated policy set out in Section 101 of the Act. Furthermore, the regulations are uniform, applying in the same way to all Federal agencies, although each agency will develop its own procedures for implementing the regulations. With these new regulations we seek to carry out as faithfully as possible the original intent of Congress in enacting NEPA.

3. Background

The Council was greatly assisted by the hundreds of people who responded to our call for suggestions on how to make the NEPA process work better. In all, the Council sought the views of almost 12,000 private organizations, individuals, State and local agencies, and Federal agencies. In public hearings which we held in June 1977, we invited testimony from a broad array of public officials, organizations, and private citizens, affirmatively involving NEPA's critics as well as its friends.

Among those represented were the U.S. Chamber of Commerce, which coordinated testimony from business; the Building and Construction Trades Department of the AFL-CIO, which did so for labor; the National Conference of State Legislatures, for State and local governments; and the Natural Resources Defense Council, for environmental groups. Scientists, scholars, and the general public were also represented.

There was broad consensus among these diverse witnesses. All, without exception, expressed the view that NEPA benefited the public. Equally widely shared was the view that the process had become needlessly cumbersome and should be streamlined. Witness after witness said that the length and detail of EISs made it difficult to distinguish the important from the trivial. The degree of unanimity about the good and bad points of the NEPA process was such that at one point an official spokesperson for the oil industry rose to say that he adopted in its entirety the presentation of the President of the Sierra Club.

After the hearings we culled the record to organize both the problems and the solutions proposed by witnesses into a 38-page "NEPA Hearing Questionnaire." The questionnaire was sent to all witnesses, every State governor, all Federal agencies, and everyone who responded to an invitation in the FEDERAL REGISTER. We received more than 300 replies, from a broad cross section of groups and individuals. By the comments we received from respondents we gauged our success in faithfully presenting the results of the public hearings. One commenter, an electric utility official, said that for the first time in his life he knew the government was listening to him, because all the suggestions made at the hearing turned up in the questionnaire. We then collated all the responses for use in drafting the regulations.

We also met with every agency of the Federal government to discuss what should be in the regulations. Guided by these extensive interactions with government agencies and the public, we prepared draft regulations which were circulated for comment to all Federal agencies in December, 1977. We then studied agency comments in detail, and consulted numerous Federal officials with special experience in implementing the Act. Informal redrafts were circulated to the agencies with greatest experience in preparing environmental impact statements.

At the same time that Federal agencies were reviewing the early draft, we continued to meet with, listen to, and brief members of the public, including representatives of business, labor, State and local governments, environmental groups, and others. Their views were considered during this early stage of the rulemaking. We also considered seriously and proposed in our regulations virtually every major recommendation made by the Commission on Federal Paperwork and the General Accounting Office in their recent studies on the environmental impact statement process. The studies by these two independent bodies were among the most detailed and informed reviews of the paperwork abuses in the impact statement process. In many cases, such as streamlining intergovernmental coordination, the proposed regulations go further than their recommendations.

On June 9, 1978 the regulations were proposed in draft form (43 FR at pages 25230-25247) and the Council announced that the period for public review of and comment on the draft regulations would extend for two months until August 11, 1978. During this period, the Council received almost 500 written comments on the draft regulations, most of which contained specific and detailed suggestions for improving them. These comments were again broadly representative of the various interests which are involved in the NEPA process.

The Council carefully reevaluated the regulations in light of the comments we received. The Council's staff read and analyzed each of the comments and developed recommendations for responding to them. A clear majority of the comments were favorable and expressed strong support for the draft regulations as a major improvement over the existing Guidelines. Some comments suggested further improvements through changes in the wording of specific provisions. A smaller number expressed more general concerns about the approach and direction taken by the regulations. In continuing efforts to resolve issues raised during the review, staff members conducted numerous meetings with individuals and groups who had offered comments and with representatives of affected Federal agencies. This process continued until most concerns with the proposals were alleviated or satisfied.

When, after discussions and review the Council determined that the comments raised valid concerns, we altered the regulations accordingly. When we

decided that reasons supporting the regulations were stronger than those for challenging them, we left the regulations unchanged. Part 4 of the Preamble describes section by section the more significant comments we received, and how we responded to them.

4. Comments and the Council's Response

PART 1500—PURPOSE, POLICY AND MANDATE

Comments on § 1500.3: Mandate. Section 1500.3 of the draft regulations stated that it is the Council's intention that judicial review of agency compliance with the regulations not occur before an agency has filed the final environmental impact statement, causes irreparable injury, or has made a finding of no significant impact. Some comments expressed concern that court action might be commenced under this provision following a finding of no significant impact which was only tentative and did not represent a final determination that an environmental impact statement would not be prepared.

The Council made two changes in response to this concern: First, the word "final" was inserted before the phrase "finding of no significant impact." Thus, the Council eliminated the possibility of interpreting this phrase to mean a preliminary or tentative determination. Second, a clarification was added to this provision to indicate the Council's intention that judicial review would be appropriate only where the finding of no significant impact would lead to action affecting the environment.

Several comments on § 1500.3 expressed concern that agency action could be invalidated in court proceedings as the result of trivial departures from the requirements established by the Council's regulations. This is not the Council's intention. Accordingly, a sentence was added to indicate the Council's intention that a trivial departure from the regulations not give rise to an independent cause of action under law.

PART 1501—NEPA AND AGENCY PLANNING

Comments on § 1501.2: Apply NEPA early in process. Section (d)(1) of § 1501.2 stated that Federal agencies should take steps to ensure that private parties and State and local entities initiate environmental studies as soon as Federal involvement in their proposals can be foreseen. Several commenters raised questions concerning the authority of a Federal agency to require that environmental studies be initiated by private parties, for example, even before that agency had become officially involved in the review of the proposal.

The Council's intention in this provision is to ensure that environmental factors are considered at an early stage in the planning process. The Council recognizes that the authority of Federal agencies may be limited before their duty to review proposals initiated by parties outside the Federal government officially begins. Accordingly, the Council altered subsection (d)(1) of § 1501.2 to require that in such cases Federal agencies must ensure that "[p]olicies or designated staff are available to advise potential applicants of studies or other information foreseeably required by later Federal action." The purpose of the amended provision is to assure the full cooperation and support of Federal agencies for efforts by private parties and State and local entities in making an early start on studies for proposals that will eventually be reviewed by the agencies.

Comments on § 1501.3: When to prepare an environmental assessment. One commenter asked whether an environmental assessment would be required where an agency had already decided to prepare an environmental impact statement. This is not the Council's intention. To clarify this point, the Council added a sentence to this provision stating that an assessment is not necessary if the agency has decided to prepare an environmental impact statement.

Comments on § 1501.5: Lead agencies. The Council's proposal was designed to insure the swift and fair resolution of lead agency disputes. Section 1501.5 of the draft regulations established procedures for resolving disagreements among agencies, over which of them must take the lead in preparing an environmental impact statement. Under subsection (d) of this section, persons and governmental entities substantially affected by the failure of Federal agencies to resolve this question may request these agencies in writing to designate a lead agency forthwith. If this request has not been met "within a reasonable period of time," subsection (e) authorizes such persons and governmental entities to petition the Council for a resolution of this issue.

Several comments objected to the phrase "within a reasonable time" because it was vague, and left it uncertain when concerned parties could file a request with the Council. The comments urged that a precise time period be fixed instead. The Council adopted this suggestion and substituted 45 days for the phrase "within a reasonable period of time." With this change, the regulations require that a lead agency be designated, if necessary by the Council, within a fixed period following a request from concerned parties that this be done.

Several commenters suggested that the Council take responsibility for designating lead agencies in every case to reduce delay. These commenters recommended that all preliminary steps be dropped in favor of immediate Council action whenever the lead agency issue arose.

The Council determined, however, that individual agencies are in the best position to decide these questions and should be given the opportunity to do so. In view of its limited resources, the Council does not have the capability to make lead agency designations for all proposals. As a result of these factors, the Council determined not to alter this provision.

Several commenters opposed the concept of joint lead agencies authorized by subsection (b) of this section, particularly where two or more of the agencies are Federal. These commenters expressed doubt that Federal agencies could cooperate in such circumstances and stated their view that the environmental review process will only work where one agency is given primary responsibility for conducting it.

In the Council's judgment, however, the designation of joint lead agencies may be the most efficient way to approach the NEPA process where more than one agency plays a significant role in reviewing proposed action. The Council believes that Federal agencies should have the option to become joint lead agencies in such cases.

Comments on § 1501.6: Cooperating agencies. The Council developed proposals to emphasize interagency cooperation before the environmental impact statement was prepared rather than comments on a completed document. Section 1501.6 stated that agencies with jurisdiction by law over a proposal would be required to become "cooperating agencies" in the preparation of an EIS should the lead agency request that they do so. Under subsection (b) of this provision, "cooperating agencies" could be required to assume responsibility for developing information and analysis within their special competence and to make staff support available to enhance the interdisciplinary capability of the lead agency.

Several comments pointed out that principal authority for environmental matters resides in a small number of agencies in the Federal government. Concern was expressed that these few agencies could be inundated with requests for cooperation in the preparation of EISs and, if required to meet these requests in every case, drained of resources required to fulfill other statutory mandates.

The Council determined that this was a valid concern. Accordingly, it added a new subsection (c) to this sec-

tion which authorizes a cooperating agency to decline to participate or otherwise limit its involvement in the preparation of an EIS where existing program commitments preclude more extensive cooperation.

Subsection (b)(5) of this section provided that a lead agency shall finance the major activities or analyses it requests from cooperating agencies to the extent available funds permit. Several commenters expressed opposition to this provision on grounds that a lead agency should conserve its funds for the fulfillment of its own statutory mandate rather than disburse funds for analyses prepared by other agencies.

The same considerations apply, however, to cooperating agencies. All Federal agencies are subject to the mandate of the National Environmental Policy Act. This provision of the regulations allows a lead agency to facilitate compliance with this statute by funding analyses prepared by cooperating agencies "to the extent available funds permit." In the Council's view, this section will enhance the ability of a lead agency to meet all of its obligations under law.

Section 1501.7: Scoping. The new concept of "scoping" was intended by the Council and perceived by the great preponderance of the commenters as a means for early identification of what are and what are not the important issues deserving of study in the EIS. Section 1501.7 of the draft regulations established a formal mechanism for agencies, in consultation with affected parties, to identify the significant issues which must be discussed in detail in an EIS, to identify the issues that do not require detailed study, and to allocate responsibilities for preparation of the document. The section provided that a scoping meeting must be held when practicable. One purpose of scoping is to encourage affected parties to identify the crucial issues raised by a proposal before an environmental impact statement is prepared in order to reduce the possibility that matters of importance will be overlooked in the early stages of a NEPA review. Scoping is also designed to ensure that agency resources will not be spent on analysis of issues which none concerned believe are significant. Finally, since scoping requires the lead agency to allocate responsibility for preparing the EIS among affected agencies and to identify other environmental review and consultation requirements applicable to the project, it will set the stage for a more timely, coordinated, and efficient Federal review of the proposal.

The concept of scoping was one of the innovations in the proposed regulations most uniformly praised by members of the public ranging from business to environmentalists. There was considerable discussion of the details of implementing the concept. Some commenters objected to the formality of the scoping process, expressing the view that compliance with this provision in every case would be time-consuming, would lead to legal challenges by citizens and private organizations with objections to the agency's way of conducting the process, and would lead to paperwork since every issue raised during the process would have to be addressed to some extent in the environmental impact statement. These commenters stated further that Federal agencies themselves were in the best position to determine matters of scope, and that public participation in these decisions was unnecessary because any scoping errors that were made by such agencies could be commented upon when the draft EIS was issued (as was done in the past) and corrected in the final document. These commenters urged that scoping at least be more open-ended and flexible and that agencies be merely encouraged rather than required to undertake the process.

Other commenters said that the Council had not gone for enough in imposing uniform requirements. These commenters urged the Council to require that a scoping meeting be held in every case, rather than only when practicable; that a scoping document be issued which reflected the decisions reached during the process; and that formal procedures be established for the resolution of disagreements over scope that arise during the scoping process. These commenters felt that more stringent requirements were necessary to ensure that agencies did not avoid the process.

In developing § 1501.7, the Council sought to ensure that the benefits of scoping would be widely realized in Federal decisionmaking, but without significant disruptions for existing procedures. The Council made the process itself mandatory to guarantee that early cooperation among affected parties would be initiated in every case. However, § 1501.7 left important elements of scoping to agency discretion. After reviewing the recommendations for more flexibility on the one hand, and more formality on the other, and while making several specific changes in response to specific comments, the Council determined that the proper balance had been struck in Section 1501.7 and did not change the basic outline of this provision. The Council did accept amendments to make clear that scoping meetings were permissive and that an agency might make provision for combining its scoping process with its environmental assessment process.

Comments on § 1501.8: Time limits. Reducing delay and uncertainty by the use of time limits is one of the Council's principal changes. Section 1501.8 of the draft regulations established criteria for setting time limits for completion of the entire NEPA process or any part of the process. These criteria include the size of the proposal and its potential for environmental harm, the state of the art, the number of agencies involved, the availability of relevant information and the time required to obtain it. Under this section, if a private applicant requests a lead agency to set time limits for an EIS review, the agency must do so provided that the time limits are consistent with the purposes of NEPA and other essential considerations of national policy. If a Federal agency is the sponsor of a proposal for major action, the lead agency is encouraged to set a timetable for the EIS review.

Several commenters objected to the concept of time limits for the NEPA process. In their opinion, the uncertainties involved in an EIS review and competing demands for limited Federal resources could make it difficult for agencies to predict how much time will be required to complete environmental impact statements on major proposals. These commenters were concerned that time limits could prompt agencies to forego necessary analysis in order to meet deadlines. In their view, the concept of time limits should be dropped from the regulations in favor of more flexible "targets" or "goals" which would be set only after consultation with all concerned parties.

On the other side of the question, the Council received several comments that the provision for time limits was not strict enough. These comments expressed concern that the criteria contained in the draft regulations were vague and would not serve effectively to encourage tight timetables for rapid completion of environmental reviews. The Council was urged to strengthen this section by including definite time limits for the completion of the EIS process in every case or by providing that CEQ itself set such limits for every environmental review, and by setting time limits for the establishment of time limits.

A primary goal of the Council's regulations is to reduce delays in the EIS process. The Council recognizes the difficulties of evaluating in advance the time required to complete environmental reviews. Nevertheless, the Council believes that a provision for time limits is necessary to concentrate agencies' attention on the timely completion of environmental impact statements and to provide private applicants with reasonable certainty as to how long the NEPA process will take. Section 1501.7(c) of the regulations

allows revision of time limits if significant new circumstances (including information) arise which bear on the proposal or its impacts.

At the same time, the Council believes that precise time limits to apply uniformly across government would be unrealistic. The factors which determine the time needed to complete an environmental review are various, including the state of the art, the size and complexity of the proposal, the number of Federal agencies involved, and the presence of sensitive ecological conditions. These factors may differ significantly from one proposal to the next. The same law that applies to a Trans-Alaska pipeline may also apply to a modest federally funded building in a historic district. In the Council's judgment, individual agencies are in the best position to perform this function. The Council does not have the resources to weigh these factors for each proposal. Accordingly, the Council determined not to change these provisions of § 1501.8 of the regulations.

PART 1502—ENVIRONMENTAL IMPACT STATEMENT

Comments on Section 1502.5: Timing. Several commenters noted that it has become common practice in informal rulemaking for Federal agencies to issue required, draft environmental impact statements at the same time that rules are issued in proposed form. These commenters expressed the view that this procedure was convenient, time-saving and consistent with NEPA, and urged that the regulations provide for it. The Council added a new subsection (d) to § 1502.5 on informal rulemaking stating that this procedure shall normally be followed.

Comments on section 1502.7: Page limits. A principal purpose of these regulations is to turn bulky, often unused EISs into short, usable documents which are in fact used. Section 1502.7 of the draft regulations provided that final environmental impact statements shall normally be less than 150 pages long and, for proposals of unusual scope or complexity, shall normally be less than 300 pages. Numerous commenters expressed strong support for the Council's decision to establish page limits for environmental impact statements.

Several commenters objected to the concept of page limits for environmental impact statements on grounds that it could constrain the thoroughness of environmental reviews. Some said that the limits were too short and would preclude essential analysis; others contended that they were too long and would encourage the inclusion of unnecessary detail. One commenter proposed a "sliding scale" for page limits; another suggested that a limitation on the number of words would be more effective than a limitation on the number of pages. A number of commenters urged that page limits be simply recommended rather than established as standards that should normally be met.

The usefulness of the NEPA process to decisionmakers and the public has been jeopardized in recent years by the length and complexity of environmental impact statements. In accordance with the President's directive, a primary objective of the regulations is to insure that these documents are clear, concise, and to the point. Numerous provisions in the regulations underscore the importance of focusing on the major issues and real choices facing federal decisionmakers and excluding less important matters from detailed study. Other sections in the regulations provide that certain technical and background materials developed during the environmental review process may be appended but need not be presented in the body of an EIS.

The Council recognizes the tension between the requirement of a thorough review of environmental issues and a limitation on the number of pages that may be devoted to the analysis. The Council believes that the limits set in the regulations are realistic and will help to achieve the goal of more succinct and useful environmental documents. The Council also determined that a limitation on the number of words in an EIS was not required for accomplishing the objective of this provision. The inclusion of the term "normally" in this provision accords Federal agencies latitude if abnormal circumstances exist.

Others suggested that page limits might result in conflict with judicial precedents on adequacy of EISs, that the proverbial kitchen sink may have to be included to insure an adequate document, whatever the length. The Council trusts and intends that this not be the case. Based on its day-to-day experience in overseeing the administration of NEPA throughout the Federal government, the Council is acutely aware that in many cases bulky EISs are not read and are not used by decisionmakers. An unread and unused document quite simply cannot achieve the purpose Congress set for it. The only way to give greater assurance that EISs will be used is to make them usable and that means making them shorter. By way of analogy, judicial opinions are themselves often models of compact treatment of complex subjects. Departmental option documents often provide brief coverage of complicated decisions. Without sacrifice of analytical rigor, we see no reason why the material to be covered in an EIS cannot normally be covered in 150 pages (or 300 pages in extraordinary circumstances).

Comments on § 1502.10: Recommended format. Section 1502.10 stated that agencies shall normally use a standard format for environmental impact statements. This provision received broad support from those commenting on the draft regulations.

As part of the recommended format, environmental impact statements would be required to describe the environmental consequences of a proposed action before they described the environment that would be affected. Many commenters felt that these elements of the EIS should be reversed so that a description of the environmental consequences of a proposal would follow rather than precede a description of the affected environment. The commenters stated their view that it would be easier for the reader to appreciate the nature and significance of environmental consequences if a description of the affected environment was presented first. The Council concurs in this view and adopted the suggested change.

Comments on § 1502.13: Purpose and need. This section of the draft regulations provided that agencies shall briefly specify—normally in one page or less—the underlying purpose and need to which the agency is responding in proposing alternatives for action. Many commenters stated that in some cases this analysis would require more than one page. The Council responded to these comments by deleting the one page limitation.

Comments on § 1502.14: Alternatives including the proposed action. Subsection (a) of this section of the draft regulations provided, among other things, that agencies shall rigorously explore and objectively evaluate all reasonable alternatives. This provision was strongly supported by a majority of those who commented on the provision.

A number of commenters objected to the phrase "all reasonable alternatives" on the grounds that it was unduly broad. The commenters suggested a variety of ways to narrow this requirement and to place limits on the range and type of alternatives that would have to be considered in an EIS.

The phrase "all reasonable alternatives" is firmly established in the case law interpreting NEPA. The phrase has not been interpreted to require that an infinite or unreasonable number of alternatives be analyzed. Accordingly, the Council determined not to alter this subsection of the regulations.

Subsection (c) requires Federal agencies to consider reasonable alternatives not within the jurisdiction of the lead agency. Subsection (d) requires consideration of the no action alternative. A

few commenters inquired into the basis for these provisions. Subsections (c) and (d) are declaratory of existing law.

Subsection (e) of this section required Federal agencies to designate the "environmentally preferable alternative (or alternatives, if two or more are equally preferable)" and the reasons for identifying it. While the purpose of NEPA is better environmental decisionmaking, the process itself has not always successfully focused attention on this central goal. The objective of this requirement is to ensure that Federal agencies consider which course of action available to them will most effectively promote national environmental policies and goals. This provision was strongly supported in many comments on the regulations.

Some commenters noted that a wide variety of decisionmaking procedures are employed by agencies which are subject to NEPA and recommended flexibility to accommodate these diverse agency practices. In particular, the commenters recommended that agencies be given latitude to determine at what stage in the NEPA process—from the draft EIS to the record of decision—the environmentally preferable alternative would be designated.

The Council adopted this recommendation and deleted this requirement from the EIS portion of the regulations (§ 1502.14), while leaving it in § 1505.2 regarding the record of decision. Nothing in these regulations would preclude Federal agencies from choosing to identify the environmentally preferable alternative or alternatives in the environmental impact statement.

Comments on § 1502.15: Environmental consequences. Subsection (e) of this section requires an environmental impact statement to discuss energy requirements and conservation potential of various alternatives and mitigation measures. One commenter asked whether the subsection would require agencies to analyze total energy costs, including possible hidden or indirect costs, and total energy benefits of proposed actions. The Council intends that the subsection be interpreted in this way.

Several commenters suggested that the regulations expressly mention the quality of the urban environment as an environmental consequence to be discussed in an environmental impact statement. The Council responded by adding a new subsection (g) to this section requiring that EISs include a discussion of urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures. Section 1502.15 has been renumbered as § 1502.16.

Comments on § 1502.17: List of preparers. Section 1502.17 provided that environmental impact statements shall identify and describe the qualifications and professional disciplines of those persons who were primarily involved in preparing the document and background analyses. This section has three principal purposes: First, Section 102(2)(A) of NEPA requires Federal agencies to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment." The list of preparers will provide a basis for evaluating whether such a "systematic interdisciplinary approach" was used in preparing the EIS. Second, publication of a list of preparers increases accountability for the analyses appearing in the EIS and thus tends to encourage professional competence among those preparing them. Finally, publication of the list will enhance the professional standing of the preparers by giving proper attribution to their contributions, and making them a recognized part of the literature of their disciplines. This provision received broad support from those commenting on the regulations.

Some commenters felt that a list of preparers would be used as a list of witnesses by those challenging the adequacy of an EIS in court proceedings. However, this information would ordinarily be available anyway through normal discovery proceedings.

Section 1502.17 was also criticized for failing expressly to mention expertise and experience as "qualifications" for preparing environmental impact statements. The Council added these two terms to this section to insure that the term "qualifications" would be interpreted in this way.

Some commenters suggested that the list of preparers should also specify the amount of time that was spent on the EIS by each person identified. These commenters felt that such information was required as a basis for accurately evaluating whether an interdisciplinary approach had been employed. While the Council felt there was much to be said for this suggestion, it determined that the incremental benefits gained from this information did not justify the additional agency efforts that would be required to provide it.

Comments on § 1502.19: Circulation of the environmental impact statement. If an EIS is unusually long, Section 1502.19 provided, with certain exceptions, that a summary can be circulated in lieu of the entire document. Several commenters suggested that private applicants sponsoring a proposal should receive the entire environmental impact statement in every case in view of their interest and probable involvement in the NEPA process. The Council concurs and altered this provision accordingly.

Comments on § 1502.20: Tiering. Section 1502.20 encouraged agencies to tier their environmental impact statements to eliminate repetitive discussions and to focus on the actual issues ripe for decision at each level of environmental review. Some commenters objected to tiering on grounds that it was not required by NEPA and would add an additional unauthorized layer to the environmental review process.

Section 1502.20 authorizes tiering of EISs; it does not require that it be done. In addition, the purpose of tiering is to simplify the EIS process by providing that environmental analysis completed at a broad program level not be duplicated for site-specific project reviews. Many agencies have already used tiering successfully in their decisionmaking. In view of these and other considerations, the Council determined not to alter this provision.

Comments on § 1502.22: Incomplete or unavailable information. Section 1502.22 provided, among other things, that agencies prepare a worst case analysis of the risk and severity of possible adverse environmental impacts when it proceeds with a proposal in the face of uncertainty. This provision received strong support from many commenters.

Several commenters expressed concern that this requirement would place undue emphasis on the possible occurence of adverse environmental consequences regardless of how remote the possibility might be. In response, the Council added a phrase designed to ensure that the improbability as well as the probability of adverse environmental consequences would be discussed in worst case analyses prepared under this section.

Section 1502.22 stated that if information is essential to a reasoned choice among alternatives and is not known and the costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement. Some commenters inquired into the meaning of the term "costs." The Council intends for this word to be interpreted as including financial and other costs and adopted the phrase "overall costs" to convey this meaning.

PART 1503—COMMENTING

Comments on § 1503.1: Inviting comments. Section 1503.1 set forth the responsibility of Federal agencies to solicit comments on environmental impact statements. Several commenters observed that may Federal

agencies solicit comments from State and local environmental agencies through procedures established by Office of Management and Budget Circular A-95 and suggested that the Council confirm this approach in the regulations. The Council adopted this suggestion by adding an appropriate paragraph to the section.

Comments on § 1503.2: Duty to comment. Section 1503.2 set forth the responsibilities of Federal agencies to comment on environmental impact statements. Several commenters suggested reinforcing the requirement that Federal agencies are subject to the same time limits as those outside the Federal government in order to avoid delays. The Council concurred in this suggestion and amended the provision accordingly. The Council was constrained from further changes by the requirement of Section 102(2)(C) of NEPA that agencies "consult with and obtain" the comments of specified other agencies.

Comments on § 1503.3: Specificity of comments. Section 1503.3 of the draft regulations elaborated upon the responsibilities of Federal agencies to comment specifically upon draft environmental impact statements prepared by other agencies. Several commenters suggested that cooperating agencies should assume a particular obligation in this regard. They noted that cooperating agencies which are themselves required independently to evaluate and/or approve the proposal at some later stage in the Federal review process are uniquely qualified to advise the lead agency of what additional steps may be required to facilitate these actions. In the opinion of these commenters, cooperating agencies should be required to provide this information to lead agencies when they comment on draft EISs so that the final EIS can be prepared with further Federal involvement in mind.

The Council adopted this suggestion and amended § 1503.3 through the addition of new subsections (c) and (d). The new subsections require cooperating agencies, in their comments on draft EISs, to specify what additional information, if any, is required for them to fulfill other applicable environmental review and consultation requirements, and to comment adequately on the site-specific effects to be expected from issuance of subsequent Federal approvals for the proposal. In addition, if a cooperating agency criticizes the proposed action, this section now requires that it specify the mitigation measures which would be necessary in order for it to approve the proposal under its independent statutory authority.

Comments on § 1504.3: Procedure for referrals and response. Several commenters noted that § 1504.3 did not establish a role for members of the public or applicants in the referral process. The Council determined that such persons and organizations were entitled to a role and that their views would be helpful in reaching a proper decision on the referral. Accordingly, the Council added subsection (e) to this section, authorizing interested persons including the applicant to submit their views on the referral, and any response to the referral, in writing to the Council.

Subsection (d) of this section provided that the Council may take one of several actions within 25 days after the referral and agency responses to the referral, if any, are received. Several commenters observed, however, that this subsection did not establish a deadline for final action by the Council in cases where additional discussions, public meetings, or negotiations were deemed appropriate. These commenters expressed concern that the absence of a deadline could lead to delays in concluding the referral process. The Council concurred. Accordingly, the Council added subsection (g) to this section which requires that specified actions be completed within 60 days.

Several commenters noted that the procedures established by Section 1504.3 may be inappropriate for referrals which involve agency determinations required by statute to be made on the record after opportunity for public hearing. The Council agrees. The Council added subsection (h) to this section requiring referrals in such cases to be conducted in a manner consistent with 5 U.S.C. 557(d). Thus, communications to agency officials who made the decision which is the subject of the referral must be made on the public record and after notice to all parties to the referral proceeding. In other words, ex parte contacts with agency decisionmakers in such cases are prohibited.

PART 1505—NEPA AND AGENCY DECISIONMAKING

Comments on Section 1501.1: Agency decisionmaking procedures. Some commenters asked whether this or other sections of the regulations would allow Federal agencies to place responsibility for compliance with NEPA in the hands of those with decisionmaking authority at the field level. Nothing in the regulations would prevent this arrangement. By delegating authority in this way, agencies can avoid multiple approvals of environmental documents and enhance the role of those most directly involved in their preparation and use. For policy oversight and quality control, an environmental quality review office at the national level can, among other things, establish general procedures and guidance for NEPA compliance, monitor agency performance through periodic review of selected environmental documents, and facilitate coordination among agency subunits involved in the NEPA process.

Comments on § 1505.2: Record of decision in those cases requiring environmental impact statements. Section 1505.2 provided that in cases where an environmental statement was prepared, the agency shall prepare a concise public record stating what its final decision was. If an environmentally preferable alternative was not selected, § 1505.2 required the record of decision to state why other specific considerations of national policy overrode those alternatives.

This requirement was the single provision most strongly supported by individuals and organizations commenting on the regulations. These commenters stated, among things, that the requirement for a record of decision would be the most significant improvement over the existing process, would procedurally link NEPA's documentation to NEPA's policy, would relate the EIS process to agency decisionmaking, would ensure that EISs are actually considered by Federal decisionmakers, and was required as sound administrative practice.

As noted above, the Council decided that agencies shall identify the environmentally preferable alternative and the reasons for identifying it in the record of decision. *See* Comment on § 1502.14. The Council's decision does not involve the preparation of additional analysis in the EIS process; it simply affects where the analysis will be presented.

Some commenters objected to the concept of a public record of decision on actions subject to NEPA review. In the Council's opinion, however, a public record of decision is essential for the effective implementation of NEPA. As previously noted, environmental impact statement preparation has too often become an end in itself with no necessary role in agency decisionmaking. One serious problem with the administration of NEPA has been the separation between an agency's NEPA process and its decisionmaking process. In too many cases bulky EISs have been prepared and transmitted but not used by the decisionmaker. The primary purpose of requiring that a decisionmaker concisely record his or her decision in those cases where an EIS has been prepared is to tie means to ends, to see that the decisionmaker considers and pays attention to what the NEPA process has shown to be an environmentally sensitive way of doing things. Other factors may, on balance, lead the decisionmaker to decide that other policies outweigh the environmental ones, but at lea

the record of decision will have achieved the original Congressional purpose of ensuring that environmental factors are integrated into the agency's decisionmaking.

Some commenters expressed the opinion that it could be difficult for Federal agencies to identify the environmentally preferable alternative or alternatives because of the multitude of factors that would have to be weighed in any such determination and the subjective nature of the balancing process. By way of illustration, commenters asked: Is clean water preferable to clean air, or the preservation of prime farmland in one region preferable to the preservation of wildlife habitat in another?

In response, the Council has amended the regulations to permit agencies to identify more than one environmentally preferable alternative, regardless of whether they are "equally" preferable, as originally proposed. Moreover, the "environmentally preferable alternative" will be that alternative which best promotes the national environmental policy as expressed in Section 101 of NEPA and most specifically in Section 101(b). Section 101(a) stresses that the policy is concerned with man and nature, to see that they exist in productive harmony and that the social, economic, and other requirements of present and future generations of Americans are fulfilled. Section 101(c) recognizes the need for a healthy environment and each person's responsibility to contribute to it. Section 101(b) contemplates Federal actions which will enable the Nation to fulfill the responsibilities of each generation as trustee for the environment for succeeding generations; to attain the widest range of beneficial uses of the environment; to preserve important historic, cultural and natural aspects of our national heritage; and to accomplish other important goals. The Council recognizes that the identification of the environmentally preferable alternative or alternatives may involve difficult assessments in some cases. The Council determined that the benefits of ensuring that decisionmakers consider and take account of environmental factors outweigh these difficulties. To assist agencies in developing and determining environmentally preferable alternatives, commenters on impact statements may choose to provide agencies with their views on this matter.

Several commenters expressed concern that the regulations did not authorize Federal agencies to express preferences based on factors other than environmental quality. In the opinion of these commenters, this emphasis on environmental considerations was misplaced and not consistent with the factors that agencies are expected to consider in decisionmaking.

The Council responded to these comments by reference to the statute, recognizing that Title II of NEPA and especially Section 101 clearly contemplate balancing of essential considerations of national policy. We provided that agencies may discuss preferences they have among alternatives based on relevant factors, including economic and technical considerations and agency statutory mission. Agencies should identify those considerations, including factors not related to environmental quality, which were balanced in making the decision. Nothing in the final regulations precludes Federal agencies from choosing to discuss these preferences and identifying these factors in the environmental impact statement.

Some commenters objected to the word "overrode" in this provision. The language of the Act and its legislative history make clear that Federal agencies must act in an environmentally responsible fashion and not merely consider environmental factors. NEPA requires that each Federal agency use "all practicable means and measures" to protect and improve the environment "consistent with other essential considerations of national policy." Section 101(b). The Council determined to tie this provision of the regulations to NEPA's statutory provision in place of the "overrode" language.

Several commenters expressed concern that the phrase "national policy" would not allow agencies to refer to state and local policies in the record of decision. "National policy" is the phrase used by Congress in NEPA. However, in many cases specific statutory provisions require that Federal agencies adhere to or pay heed to State and local policies.

Finally, some commenters expressed concern that the requirement for a concise record of decision would involve additional agency efforts. The intention is not to require new efforts, but to see that environmental considerations are built into existing processes. Preparing such decision records is recognized as good administrative practice and the benefits of this requirement outweigh the difficulties of building environmental considerations into the decisionmaking process.

Subsection (c) of § 1505.2 states that for any mitigation adopted a monitoring and enforcement program where applicable shall be adopted and summarized in the record of decision. One commenter asked what the term "summarized" was intended to mean in this context. The Council intends this word to be interpreted as requiring a brief and concise statement describing the monitoring and enforcement program which has been adopted.

Comments on § 1505.3: Implementing the decision. Section 1505.3 provides for mitigation of adverse environmental effects. Several commenters expressed concern that this provision would grant broad authority to the lead agency for mandating that other agencies undertake and monitor mitigation measures without their consent. This is not the Council's intention and the language of the provision does not support this interpretation.

PART 1506—OTHER REQUIREMENTS OF NEPA

Comments on §1506.1: Limitations on actions during NEPA process. Section 1506.1 placed limitations on actions which can be taken before completion of the environmental review process because of the possibility of prejudicing or foreclosing important choices. Some commenters expressed concern that these limitations would impair the ability of those outside the Federal government to develop proposals for agency review and approval. Accordingly, the Council added a new paragraph (d) to this section which authorizes certain limited activities before completion of the environmental review process.

Comments on § 1506.2: Elimination of duplication with State and local procedures. This section received strong support from many commenters. Several commenters sought clarification of the procedures established by this section. It provides for coordination among Federal, State and local agencies in several distinct situations. First, subsection (a) of this section simply confirms that Federal agencies funding State programs have been authorized by Section 102(2)(D) of NEPA to cooperate with certain State agencies with statewide jurisdiction in conducting environmental reviews. Second, subsection (b) provides generally for Federal cooperation with all States in environmental reviews such as joint planning processes, joint research, joint public hearings, and joint environmental assessments. Third, subsection (c) specifically provides for Federal cooperation with those States and localities which administer "little NEPA's." The Federal agencies are directed to the fullest extent possible to reduce duplication between NEPA and comparable State and local requirements. Approximately half the states now have some sort of environmental impact statement requirement either legislatively adopted or administratively promulgated. In these circumstances, Federal agencies are required to cooperate in fulfilling these requirements as well as those of Federal laws so that one document will comply with all applicable laws. Finally, subsection (d) provides that Federal agencies generally shall in en-

vironmental impact statements discuss any inconsistency between a proposed action and any approved State or local plan or laws, regardless of whether the latter are Federally sanctioned.

Comments on § 1506.3: Adoption. Section 1506.3 authorized one Federal agency to adopt an environmental impact statement prepared by another in prescribed circumstances, provided that the statement is circulated for public comment in the same fashion as a draft EIS. Several commenters stated their view that recirculation was unnecessary if the actions contemplated by both agencies were substantially the same. The Council concurs and added a new paragraph (b) which provides that recirculation is not required in these circumstances.

Comments on § 1506.4: Combining documents. Section 1506.4 provided for the combination of environmental documents with other agency documents. Some commenters expressed the view that this section should enumerate the types of agency documents which could be combined under this provision. The Council concluded that such a list was not necessary and that such matters were better left to agency discretion. Thus, agencies may choose to combine a regulatory analysis review document, an urban impact analysis, and final decision or option documents with environmental impact statements.

Comments on § 1506.5: Agency responsibility. NEPA is a law which imposes obligations on Federal agencies. This provision is designed to insure that those agencies meet those obligations and to minimize the conflict of interest inherent in the situation of those outside the government coming to the government for money, leases or permits while attempting impartially to analyze the environmental consequences of their getting it. § 1506.5 set forth the responsibility of Federal agencies for preparing environmental documents, and addressed the role of those outside the Federal government. As proposed, subsection (b) of this section provided that environmental impact statements shall be prepared either by Federal agencies or by parties under contract to and chosen solely by Federal agencies. The purpose of this provision is to ensure the objectivity of the environmental review process.

Some commenters expressed the view that requiring Federal agencies to be a formal party to every contract for the preparation of an environmental impact statement was not necessary to ensure objectivity so long as the contractor was chosen solely by Federal agencies. These commenters contended that a requirement for formal Federal involvement in all such contracts could cause delay. The Council concurs and deleted the phrase "under contract" from this provision.

Several commenters noted that the existing procedures for a few Federal programs are not consistent with § 1506.5. The Council recognizes that this provision will in a few cases require additional agency efforts where, for example, agencies have relied on applicants for the preparation of environmental impact statements. The Council determined that such efforts were justified by the goal of this provision.

Several commenters expressed concern that environmental information provided by private applicants would not be adequately evaluated by Federal agencies before it was used in environmental documents. Other commenters wanted to insure that applicants were free to submit information to the agencies. Accordingly, the Council amended subsection (a) to allow receipt of such information while requiring Federal agencies to independently evaluate the information submitted and to be responsible for its accuracy. In cases where the information is used in an environmental impact statement, the persons responsible for that evaluation must be identified in the list of preparers required by § 1502.17.

Several commenters expressed the view that applicants should be allowed to prepare environmental assessments. These commenters noted that the number of assessments prepared each year is far greater than the number of environmental impact statements; that such authority was necessary to ensure environmental sensitivity was built into actions, which while ultimately Federal were planned outside the Federal government; that assessments are much shorter and less complex than EISs; and that it would be considerably less difficult for Federal agencies independently to evaluate the information submitted for an environmental assessment than for an environmental impact statement.

The Council concurs and has added a new subsection (b) to this section which authorizes the preparation of environmental assessments by applicants. The Council intends that this provision enable private and State and local applicants to build the environment into their own planning processes, while the Federal agency retains the obligation for the ultimate EIS. The Council emphasizes, however, that Federal agencies must independently evaluate the information submitted for environmental assessments and assume responsibility for its accuracy; make their own evaluation of environmental issues; and take responsibility for the scope and content of environmental assessments.

Comments on § 1506.6: Public involvement. Subsection (b)(3) of this section listed several means by which Federal agencies might provide notice of actions which have effects primarily of local concern. Several commenters urged that such notices be made mandatory, rather than permissive; other commenters felt these methods of public notice should not be listed at all. Some commenters suggested that additional methods be included in this subsection; others urged that one or more methods be deleted.

Subsection (b) of this section required agencies to provide public notice by means calculated to inform those persons and agencies who may be interested or affected. Paragraph 3 of the subsection merely identified alternative techniques that might be used for this purpose at the local level. Paragraph 3 is not intended to provide an exhaustive list of the means of providing adequate public notice. Nor are the measures it lists mandatory in nature. On the basis of these considerations, the Council determined not to alter this provision.

As proposed, subsection (f) of this section required Federal agencies to make comments on environmental impact statements available to the public. This subsection repeated the existing language on the subject that has been in the Guidelines since 1973 (40 CFR 1500.11(d)) relative to the public availability of comments. On the basis of comments received, the Council altered this provision to state that intra-agency documents need not be made available when the Freedom of Information Act allows them to be withheld.

Several commenters observed that subsection (f) did not establish limitations on charges for environmental impact statements as the Council's Guidelines had. Accordingly, the Council incorporated the standard of the Guidelines into this subsection. The standard provides that such documents shall be provided to the public without charge to the extent practicable, or at a fee which is not more than the actual costs incurred.

Comments on § 1506.8: Proposals for legislation. Section 1506.8 established modified procedures for the preparation of environmental impact statements on legislative proposals. Except in prescribed circumstances, this section provided for the transmittal of a single legislative EIS to the Congress and to Federal, State and local agencies and the public for review and comment. No revised EIS is required in such cases.

A few commenters objected to these procedures and urged that draft and final environmental impact statements be required for all legislative proposals. These commenters said that the

conventional final environmental impact statement, including an agency's response to comments, was no less important in this context than in a purely administrative setting.

However, the Council views legislative proposals as different from proposed actions to be undertaken by agencies, in several important respects. Unlike administrative proposals, the timing of critical steps (hearings, votes) is not under the control of the administrative agency. Congress will hold its hearings or take its votes when it chooses, and if an EIS is to influence those actions, it must be there in time. Congress may request Federal agencies to provide any additional environmental information it needs following receipt of a legislative EIS. Administration proposals are considered alongside other proposals introduced by members of Congress and the final product, if any, may be substantially different from the proposal transmitted by the Federal agency. Congress may hold hearings on legislative proposals and invite testimony on all aspects of proposed legislation including its environmental impacts. On the basis of these considerations, the Council determined that it would be overly burdensome and unproductive to require draft and final legislative environmental impact statements for all legislation, wherever it originates.

Several commenters also expressed concern about the requirement that the legislative environmental impact statement actually accompany legislative proposals when they are transmitted to Congress. These commenters noted that such proposals are often transmitted on an urgent basis without advance warning. Accordingly, the Council amended this section to provide for a period of thirty days for transmittal of legislative environmental impact statements, except that agencies must always transmit such EISs before the Congress begins formal deliberations on the proposal.

Comments on § 1506.10: Timing of agency action. Subsection (c) of this section provided that agencies shall allow not less than 45 days for comments on draft environmental impact statements. Several commenters felt that this period was too long; others thought it too short.

The Council recognizes that a balance must be struck between an adequate period for public comment on draft EIS's and timely completion of the environmental review process. In the Council's judgment, 45 days has proven to be the proper balance. This period for public comment was established by the Guidelines in 1973, and the Council determined not to alter it. Subsection (e) of this section authorizes the Environmental Protection Agency to reduce time periods for agency action for compelling reasons of national policy.

Comments on § 1506.11: Emergencies. Section 1506.11 provided for agency action in emergency circumstances without observing the requirements of the regulations. The section required the Federal agency "proposing to take the action" to consult with the Council about alternative arrangements.

Several commenters expressed concern that use of the phrase "proposing to take the action" would be interpreted to mean that agencies consult with the Council before emergency action was taken. In the view of these commenters, such a requirement might be impractical in emergency circumstances and could defeat the purpose of the section. The Council concurs and substituted the phrase "taking the action" for "proposing to take the action." Similarly, the Council amended the section to provide for consultation "as soon as feasible" and not necessarily before emergency action.

PART 1507—AGENCY COMPLIANCE

Comments on § 1507.2: Agency capability to comply. Section 1507.2 provided, among other things, that a Federal agency shall itself have "sufficient capability" to evaluate any analysis prepared for it by others. Several commenters expressed concern that this could be interpreted to mean that each agency must employ the full range of professionals including geologists, biologists, chemists, botanists and others to gain sufficient capability for evaluating work prepared by others. This is not the Council's intention. Agency staffing requirements will vary with the agency's mission and needs including the number of EIS's for which they are responsible.

Comments on § 1507.3: Agency procedures. Subsection (a) of § 1507.3 provided that agencies shall adopt procedures for implementation of the regulations within eight months after the regulations are published in the FEDERAL REGISTER. Several commenters noted that State and local agencies participating in the NEPA process under certain statutory highway and community development programs would also require implementing procedures but could not finally begin to develop them until the relevant Federal agencies had completed this task. Accordingly, the Council amended this provision to allow such state and local agencies an additional four months for the adoption of implementing procedures.

Several commenters suggested that agencies with similar programs should establish similar procedures, especially for the submission of information by applicants. The Council concurs and added a new sentence to subsection (a) stating that agencies with similar programs should consult with each other and the Council to coordinate their procedures, especially for programs requesting similar information from applicants.

Several commenters suggested that a committee be established to review agency compliance with these regulations. Under subsection (a), the Council will review agency implementing procedures for conformity with the Act and the regulations. Moreover, the Council regularly consults with Federal agencies regarding their implementation of NEPA and conducts periodic reviews on how the process is working. On the basis of these considerations, the Council determined that a committee for the review of agency compliance with NEPA should not be established.

PART 1508—TERMINOLOGY AND INDEX

Comments on § 1508.8: Effects. Several commenters urged that the term "effects" expressly include aesthetic, historic and cultural impacts. The Council adopted this suggestion and altered this provision accordingly.

Comments on § 1508.12: Federal agency. Several commenters urged that States and units of general local government assuming NEPA responsibilities under Section 104(h) of the Housing and Community Development Act of 1974 be expressly recognized as Federal agencies for purposes of these regulations. The Council adopted this suggestion and amended this provision accordingly.

Comments on § 1508.14: Human environment. In its proposed form, § 1508.14 stated that the term "human environment" shall be interpreted comprehensively to include the natural and physical environment and the interaction of people with that environment. A few commenters expressed concern that this definition could be interpreted as being limited to the natural and physical aspects of the environment. This is not the Council's intention. *See* § 1508.8 (relating to effects) and our discussion of the environment in the portion of this Preamble relating to § 1505.2. The full scope of the environment is set out in Section 101 of NEPA. Human beings are central to that concept. In § 1508.14 the Council replaced the work "interaction" with the work "relationship" to ensure that the definition is interpreted as being inclusive of the human environment.

The only line we draw is one drawn by the cases. Section 1508.14 stated that economic or social effects are not intended by themselves to require preparation of an environmental impact statement. A few commenters sought further explanation of this provision. This provision reflects the

Council's determination, which accords with the case law, that NEPA was not intended to require an environmental impact statement where the closing of a military base, for example, only affects such things as the composition of the population or the level of personal income in a region.

Comments on § 1508.16: Legislation. Section 1508.16 defined legislation to exclude requests for appropriations. Some commenters felt that this exclusion was inappropriate. Others noted that environmental reviews for requests for appropriations had not been conducted in the eight years since NEPA was enacted. On the basis of traditional concepts relating to appropriations and the budget cycle, considerations of timing and confidentiality, and other factors, the Council decided not to alter the scope of this provision. The Council is aware that this is the one instance in the regulations where we assert a position opposed to that in the predecessor Guidelines. Quite simply, the Council in its experience found that preparation of EISs is ill-suited to the budget preparation process. Nothing in the Council's determination, however, relieves agencies of responsibility to prepare statements when otherwise required on the underlying program or other actions. (We note that a petition for certiorari on this issue is now pending before the Supreme Court.) This section was renumbered as § 1508.17.

Comments on § 1508.17: Major Federal action. Section 1508.17 of the draft regulations addressed the issue of NEPA's application to Federal programs which are delegated or otherwise transferred to State and local government. Some commenters said that the application of NEPA in such circumstances is a highly complicated issue; that its proper resolution depends on a variety of factors that may differ significantly from one program to the next and should be weighed on a case-by-case basis; and that agencies themselves should be accorded latitude in resolving this issue, subject to judicial review. The Council concurs and determined not to address this issue in this context at the present time. This determination should not be interpreted as a decision one way or the other on the merits of the issue.

Section 1508.17 also stated that the term "major" reinforces but does not have a meaning independent of the term "significantly" in NEPA's phrase "major Federal action significantly affecting the quality of the human environment." A few commenters noted that courts have differed over whether these terms should have independent meaning under NEPA. The Council determined that any Federal action which significantly affects the quality of the human environment is "major" for purposes of NEPA. The Council's view is in accord with *Minnesota PIRG v. Butz*, 498 F. 2d 1314 (8th Cir., 1974).

Section 1508.17 was renumbered as § 1508.18.

Comments on § 1508.22: Proposal. Section 1508.22 stated that a proposal exists when an agency is "actively considering" alternatives and certain other factors are present. Several commenters expressed the view that this phrase could be interpreted to mean that a proposal exists too early in planning and decisionmaking, before there is any likelihood that the agency will be making a decision on the matter. In response to this concern, and to emphasize the link between EISs and actual agency decisions, the Council deleted the phrase "actively considering" and replaced it with the phrase "actively preparing to make a decision on" alternatives. The Council does not intend the change to detract from the importance of integrating NEPA with agency planning as provided in § 1501.2 of the regulations.

This section was renumbered as § 1508.23.

OTHER COMMENTS

Comments on the application of NEPA abroad. Several commenters urged that the question of whether NEPA applies abroad be resolved by these regulations. However, the President has publicly announced his intention to address this issue in an Executive Order. The Executive Order, when issued, will represent the position of the Administration on that issue.

Comments on the role of Indian tribes in the NEPA process. Several commenters stated that the regulations should clarify the role of Indian Tribes in the NEPA process. Accordingly, the Council expressly identified Indian Tribes as participants in the NEPA process in §§ 1501.2(d)(2), 1501.7(a)(1), 1502.15(c) and 1503.1(a)(2)(ii).

Comments on the Council's special environmental assessment for the NEPA regulations. The Council prepared a special environmental assessment for these regulations and announced in the preamble to the draft regulations that the document was available to the public upon request. Some commenters expressed the view that it did not contain an adequate evaluation of the effects of the regulations. For the reasons set out in the assessment, and the preamble to the proposed regulations, the Council confirmed its earlier determination that the special environmental assessment did provide an adequate evaluation for these procedural regulations.

Comments on the President's authority to issue Executive Order 11991 and the Council's authority to issue regulations. A few commenters questioned the authority of the President to issue Executive Order 11991, and the authority of the Council to issue the regulations. The President is empowered to issue regulations implementing the procedural provisions of NEPA by virtue of the authority vested in him as President of the United States under Article II, Section 3 of the Constitution and other provisions of the Constitution and laws of the United States. The President is empowered to delegate responsibility for performing this function to the Council on Environmental Quality under Section 301 of Title 3 of the United States Code and other laws of the United States.

Comments on the responsibilities of Federal agencies in the NEPA process. Agency responsibilities under the regulations often depend upon whether they have "jurisdiction by law" or "special expertise" with respect to a particular proposal. Several commenters noted that these terms were not defined in the regulations and could be subject to varying interpretations. Accordingly, the Council added definitions for these terms in §§ 1508.15 and 1508.26.

Comments on the role of State and areawide clearinghouses. At the request of several States, the Council recognized the role of state and areawide clearinghouses in distributing Federal documents to appropriate recipients. *See* e.g. §§ 1501.4(e)(2), 1503.1(2)(iii), and 1506.6(b)(3)(i).

Comments on the concept of a national data bank. When the Council issued the proposed regulations, it invited comment on the concept of a national data bank. The purpose of a data bank would be to provide for the storage and recall of information developed in one EIS for use in subsequent EISs. Most commenters expressed reservations about the idea on grounds of cost and practicality. The Council, while still intrigued by the concept did not change its initial conclusion that the financial and other resources that would be required are beyond the benefits that might be achieved.

Comments on Federal funding of public comments on EISs. The Council also invited comment on a proposal for encouraging Federal agencies to fund public comments on EISs when an important viewpoint would otherwise not be presented. Several commenters supported this proposal on grounds that it would broaden the range and improve the quality of public comments on EISs. Others doubted that the expenditure of Federal funds for this purpose would be worthwhile. Some felt that Congress should decide the question. The Council determined not to address the issue of Federal funding for public comments on EISs in the re-

lations, but to leave the matter to individual agencies' discretion.

5. Regulatory Analyses

The final regulations implement the policy and other requirements of Executive Order 12044 to the fullest extent possible. We intend agencies in implementing these regulations to minimize burdens on the public. The determinations required by Section 2(d) of the Order have been made by the Council and are available on request.

It is our intention that a Regulatory Analysis required by Section 3 of the Order be undertaken concurrently with and, where appropriate, integrated with an environmental impact statement required by NEPA and these regulations.

6. Conclusion

We could not, of course, adopt every suggestion that was made on the regulations. We have tried to respond to the major concerns that were expressed. In the process, we have changed 74 of the 92 sections, making a total of 340 amendments to the regulations. We are confident that any issues which arise in the future can be resolved through a variety of mechanisms that exists for improving the NEPA process.

We appreciate the efforts of the many people who participated in developing the regulations and look forward to their cooperation as the regulations are implemented by individual agencies.

Charles Warren,
Chairman.

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PART 1500—PURPOSE, POLICY, AND MANDATE

Sec.
1500.1 Purpose.
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Authority: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), section 309 of the Clean Air Act, as amended (42 U.S.C. 7609) and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970 as amended by Executive Order 11991, May 24, 1977).

§ 1500.1 Purpose.

(a) The National Environmental Policy Act (NEPA) is our basic national charter for protection of the environment. It establishes policy, sets goals (section 101), and provides means (section 102) for carrying out the policy. Section 102(2) contains "action-forcing" provisions to make sure that federal agencies act according to the letter and spirit of the Act. The regulations that follow implement Section 102(2). Their purpose is to tell federal agencies what they must do to comply with the procedures and achieve the goals of the Act. The President, the federal agencies, and the courts share responsibility for enforcing the Act so as to achieve the substantive requirements of section 101.

(b) NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA. Most important, NEPA documents must con-

centrate on the issues that are truly significant to the action in question, rather than amassing needless detail.

(c) Ultimately, of course, it is not better documents but better decisions that count. NEPA's purpose is not to generate paperwork—even excellent paperwork—but to foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment. These regulations provide the direction to achieve this purpose.

§ 1500.2 Policy.

Federal agencies shall to the fullest extent possible:

(a) Interpret and administer the policies, regulations, and public laws of the United States in accordance with the policies set forth in the Act and in these regulations.

(b) Implement procedures to make the NEPA process more useful to decisionmakers and the public; to reduce paperwork and the accumulation of extraneous background data; and to emphasize real environmental issues and alternatives. Environmental impact statements shall be concise, clear, and to the point, and shall be supported by evidence that agencies have made the necessary environmental analyses.

(c) Integrate the requirements of NEPA with other planning and environmental review procedures required by law or by agency practice so that all such procedures run concurrently rather than consecutively.

(d) Encourage and facilitate public involvement in decisions which affect the quality of the human environment.

(e) Use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment.

(f) Use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.

§ 1500.3 Mandate.

Parts 1500-1508 of this Title provide regulations applicable to and binding on all Federal agencies for implementing the procedural provisions of the National Environmental Policy Act of 1969, as amended (Pub. L. 91-190, 42 U.S.C. 4321 et seq.) (NEPA or the Act) except where compliance would be inconsistent with other statutory requirements. These regulations are issued pursuant to NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.) Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609) and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977). These regulations, unlike the predecessor guidelines, are not confined to Sec. 102(2)(C) (environmental impact statements). The regulations apply to the whole of section 102(2). The provisions of the Act and of these regulations must be read together as a whole in order to comply with the spirit and letter of the law. It is the Council's intention that judicial review of agency compliance with these regulations not occur before an agency has filed the final environmental impact statement, or has made a final finding of no significant impact (when such a finding will result in action affecting the environment), or takes action that will result in irreparable injury. Furthermore, it is the Council's intention that any trivial violation of these regulations not give rise to any independent cause of action.

§ 1500.4 Reducing paperwork.

Agencies shall reduce excessive paperwork by:

(a) Reducing the length of environmental impact statements (§ 1502.2(c)), by means such as setting appropriate page limits (§§ 1501.7(b)(1) and 1502.7).

(b) Preparing analytic rather than encyclopedic environmental impact statements (§ 1502.2(a)).

(c) Discussing only briefly issues other than significant ones (§ 1502.2(b)).

(d) Writing environmental impact statements in plain language (§ 1502.8).

(e) Following a clear format for environmental impact statements (§ 1502.10).

(f) Emphasizing the portions of the environmental impact statement that are useful to decisionmakers and the public (§§ 1502.14 and 1502.15) and reducing emphasis on background material (§ 1502.16).

(g) Using the scoping process, not only to identify significant environmental issues deserving of study, but also to deemphasize insignificant issues, narrowing the scope of the environmental impact statement process accordingly (§ 1501.7).

(h) Summarizing the environmental impact statement (§ 1502.12) and circulating the summary instead of the entire environmental impact statement if the latter is unusually long (§ 1502.19).

(i) Using programs, policy, or plan environmental impact statements and tiering from statements of broad scope to those of narrower scope, to eliminate repetitive discussions of the same issues (§§ 1502.4 and 1502.20).

(j) Incorporating by reference (§ 1502.21).

(k) Integrating NEPA requirements with other environmental review and consultation requirements (§ 1502.25).

(l) Requiring comments to be as specific as possible (§ 1503.3).

(m) Attaching and circulating only changes to the draft environmental impact statement, rather than rewriting and circulating the entire statement when changes are minor (§ 1503.4(c)).

(n) Eliminating duplication with State and local procedures, by providing for joint preparation (§ 1506.2), and with other Federal procedures, by providing that an agency may adopt appropriate environmental documents prepared by another agency (§ 1506.3).

(o) Combining environmental documents with other documents (§ 1506.4).

(p) Using categorical exclusions to define categories of actions which do not individually or cumulatively have a significant effect on the human environment and which are therefore exempt from requirements to prepare an environmental impact statement (§ 1508.4).

(q) Using a finding of no significant impact when an action not otherwise excluded will not have a significant effect on the human environment and is therefore exempt from requirements to prepare an environmental impact statement (§ 1508.13).

§ 1500.5 Reducing delay.

Agencies shall reduce delay by:

(a) Integrating the NEPA process into early planning (§ 1501.2).

(b) Emphasizing interagency cooperation before the environmental impact statement is prepared, rather than submission of adversary comments on a completed document (§ 1501.6).

(c) Insuring the swift and fair resolution of lead agency disputes (§ 1501.5).

(d) Using the scoping process for an early identification of what are and what are not the real issues (§ 1501.7).

(e) Establishing appropriate time limits for the environmental impact statement process (§§ 1501.7(b)(2) and 1501.8).

(f) Preparing environmental impact statements early in the process (§ 1502.5).

(g) Integrating NEPA requirements with other environmental review and consultation requirements (§ 1502.25).

(h) Eliminating duplication with State and local procedures by providing for joint preparation (§ 1506.2) and with other Federal procedures by providing that an agency may adopt ap-

propriate environmental documents prepared by another agency (§ 1506.3).

(i) Combining environmental documents with other documents (§ 1506.4).

(j) Using accelerated procedures for proposals for legislation (§ 1506.8).

(k) Using categorical exclusions to define categories of actions which do not individually or cumulatively have a significant effect on the human environment (§ 1508.4) and which are therefore exempt from requirements to prepare an environmental impact statement.

(l) Using a finding of no significant impact when an action not otherwise excluded will not have a significant effect on the human environment (§ 1508.13) and is therefore exempt from requirements to prepare an environmental impact statement.

§ 1500.6 Agency authority.

Each agency shall interpret the provisions of the Act as a supplement to its existing authority and as a mandate to view traditional policies and missions in the light of the Act's national environmental objectives. Agencies shall review their policies, procedures, and regulations accordingly and revise them as necessary to insure full compliance with the purposes and provisions of the Act. The phrase "to the fullest extent possible" in section 102 means that each agency of the Federal Government shall comply with that section unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible.

PART 1501—NEPA AND AGENCY PLANNING

Sec.

1501.1 Purpose.
1501.2 Apply NEPA early in the process.
1501.3 When to prepare an environmental assessment.
1501.4 Whether to prepare an environmental impact statement.
1501.5 Lead agencies.
1501.6 Cooperating agencies.
1501.7 Scoping.
1501.8 Time limits.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609, and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May, 24 1977).

§ 1501.1 Purpose.

The purposes of this part include:

(a) Integrating the NEPA process into early planning to insure appropriate consideration of NEPA's policies and to eliminate delay.

(b) Emphasizing cooperative consultation among agencies before the environmental impact statement is prepared rather than submission of adversary comments on a completed document.

(c) Providing for the swift and fair resolution of lead agency disputes.

(d) Identifying at an early stage the significant environmental issues deserving of study and deemphasizing insignificant issues, narrowing the scope of the environmental impact statement accordingly.

(e) Providing a mechanism for putting appropriate time limits on the environmental impact statement process.

§ 1501.2 Apply NEPA early in the process.

Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts. Each agency shall:

(a) Comply with the mandate of section 102(2)(A) to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment," as specified by § 1507.2.

(b) Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses. Environmental documents and appropriate analyses shall be circulated and reviewed at the same time as other planning documents.

(c) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources as provided by section 102(2)(E) of the Act.

(d) Provide for cases where actions are planned by private applicants or other non-Federal entities before Federal involvement so that:

(1) Policies or designated staff are available to advise potential applicants of studies or other information foreseeably required for later Federal action.

(2) The Federal agency consults early with appropriate State and local agencies and Indian tribes and with interested private persons and organizations when its own involvement is reasonably foreseeable.

(3) The Federal agency commences its NEPA process at the earliest possible time.

§ 1501.3 When to prepare an environmental assessment.

(a) Agencies shall prepare an environmental assessment (§ 1508.9) when necessary under the procedures adopted by individual agencies to supplement these regulations as described in § 1507.3. An assessment is not necessary if the agency has decided to prepare an environmental impact statement.

(b) Agencies may prepare an environmental assessment on any action at any time in order to assist agency planning and decisionmaking.

§ 1501.4 Whether to prepare an environmental impact statement.

In determining whether to prepare an environmental impact statement the Federal agency shall:

(a) Determine under its procedures supplementing these regulations (described in § 1507.3) whether the proposal is one which:

(1) Normally requires an environmental impact statement, or

(2) Normally does not require either an environmental impact statement or an environmental assessment (categorical exclusion).

(b) If the proposed action is not covered by paragraph (a) of this section, prepare an environmental assessment (§ 1508.9). The agency shall involve environmental agencies, applicants, and the public, to the extent practicable, in preparing assessments required by § 1508.9(a)(1).

(c) Based on the environmental assessment make its determination whether to prepare an environmental impact statement.

(d) Commence the scoping process (§ 1501.7), if the agency will prepare an environmental impact statement.

(e) Prepare a finding of no significant impact (§ 1508.13), if the agency determines on the basis of the environmental assessment not to prepare a statement.

(1) The agency shall make the finding of no significant impact available to the affected public as specified in § 1506.6.

(2) In certain limited circumstances, which the agency may cover in its procedures under § 1507.3, the agency shall make the finding of no significant impact available for public review (including State and areawide clearinghouses) for 30 days before the agency makes its final determination whether to prepare an environmental impact statement and before the action may begin. The circumstances are:

(i) The proposed action is, or is closely similar to, one which normally requires the preparation of an environmental impact statement under the procedures adopted by the agency pursuant to § 1507.3, or

(ii) The nature of the proposed action is one without precedent.

§ 1501.5 Lead agencies.

(a) A lead agency shall supervise the preparation of an environmental

impact statement if more than one Federal agency either:

(1) Proposes or is involved in the same action; or

(2) Is involved in a group of actions directly related to each other because of their functional interdependence or geographical proximity.

(b) Federal, State, or local agencies, including at least one Federal agency, may act as joint lead agencies to prepare an environmental impact statement (§ 1506.2).

(c) If an action falls within the provisions of paragraph (a) of this section the potential lead agencies shall determine by letter or memorandum which agency shall be the lead agency and which shall be cooperating agencies. The agencies shall resolve the lead agency question so as not to cause delay. If there is disagreement among the agencies, the following factors (which are listed in order of descending importance) shall determine lead agency designation:

(1) Magnitude of agency's involvement.

(2) Project approval/disapproval authority.

(3) Expertise concerning the action's environmental effects.

(4) Duration of agency's involvement.

(5) Sequence of agency's involvement.

(d) Any Federal agency, or any State of local agency or private person substantially affected by the absence of lead agency designation, may make a written request to the potential lead agencies that a lead agency be designated.

(e) If Federal agencies are unable to agree on which agency will be the lead agency or if the procedure described in paragraph (c) of this section has not resulted within 45 days in a lead agency designation, any of the agencies or persons concerned may file a request with the Council asking it to determine which Federal agency shall be the lead agency.

A copy of the request shall be transmitted to each potential lead agency. The request shall consist of:

(1) A precise description of the nature and extent of the proposed action;

(2) A detailed statement of why each potential lead agency should or should not be the lead agency under the criteria specified above in paragraph (c) of this section.

(f) A response may be filed by any potential lead agency concerned within 20 days after a request is filed with the Council. The Council shall determine as soon as possible but not later than 20 days after receiving the request and all responses to it which Federal agency shall be the lead agency and which other Federal agencies shall be cooperating agencies.

§ 1501.6 Cooperating agencies.

The purpose of this section is to emphasize agency cooperation early in the NEPA process. Upon request of the lead agency, any other Federal agency which has jurisdiction by law shall be a cooperating agency. In addition any other Federal agency which has special expertise with respect to any environmental issue, which should be addressed in the statement may be a cooperating agency upon request of the lead agency. An agency may request the lead agency to designate it a cooperating agency.

(a) The lead agency shall:

(1) Request the participation of each cooperating agency in the NEPA process at the earliest possible time.

(2) Use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise, to the maximum extent possible consistent with its responsibility as lead agency.

(3) Meet with a cooperating agency at the latter's request.

(b) Each cooperating agency shall:

(1) Participate in the NEPA process at the earliest possible time.

(2) Participate in the scoping process (described below in § 1501.7).

(3) Assume on request of the lead agency responsibility for developing information and preparing environmental analyses including portions of the environmental impact statement concerning which the cooperating agency has special expertise.

(4) Make available staff support at the lead agency's request to enhance the latter's interdisciplinary capability.

(5) Normally use its own funds. The lead agency shall, to the extent available funds permit, fund those major activities or analyses it requests from cooperating agencies. Potential lead agencies shall include such funding requirements in their budget requests.

(c) A cooperating agency may in response to a lead agency's request for assistance in preparing the environmental impact statement (described in paragraph (b) (3), (4), or (5) of this section) reply that other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement. A copy of this reply shall be submitted to the Council.

§ 1501.7 Scoping.

There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping. As soon as practicable after its decision to prepare an environmental impact statement and before the scoping process the lead agency shall publish a notice of intent (§ 1508.22) in the FEDERAL REGISTER except as provided in § 1507.3(e).

(a) As part of the scoping process the lead agency shall:

(1) Invite the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action on environmental grounds), unless there is a limited exception under § 1507.3(c). An agency may give notice in accordance with § 1506.6.

(2) Determine the scope (§ 1508.25) and the significant issues to be analyzed in depth in the environmental impact statement.

(3) Identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (§ 1506.3), narrowing the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment or providing a reference to their coverage elsewhere.

(4) Allocate assignments for preparation of the environmental impact statement among the lead and cooperating agencies, with the lead agency retaining responsibility for the statement.

(5) Indicate any public environmental assessments and other environmental impact statements which are being or will be prepared that are related to but are not part of the scope of the impact statement under consideration.

(6) Identify other environmental review and consultation requirements so the lead and cooperating agencies may prepare other required analyses and studies concurrently with, and integrated with, the environmental impact statement as provided in § 1502.25.

(7) Indicate the relationship between the timing of the preparation of environmental analyses and the agency's tentative planning and decisionmaking schedule.

(b) As part of the scoping process the lead agency may:

(1) Set page limits on environmental documents (§ 1502.7).

(2) Set time limits (§ 1501.8).

(3) Adopt procedures under § 1507.3 to combine its environmental assessment process with its scoping process.

(4) Hold an early scoping meeting or meetings which may be integrated with any other early planning meeting the agency has. Such a scoping meeting will often be appropriate when the impacts of a particular action are confined to specific sites.

(c) An agency shall revise the determinations made under paragraphs (a) and (b) of this section if substantial changes are made later in the proposed action, or if significant new circumstances or information arise which bear on the proposal or its impacts.

§ 1501.8 Time limits.

Although the Council has decided that prescribed universal time limits for the entire NEPA process are too inflexible, Federal agencies are encouraged to set time limits appropriate to individual actions (consistent with the time intervals required by § 1506.10). When multiple agencies are involved the reference to agency below means lead agency.

(a) The agency shall set time limits if an applicant for the proposed action requests them: *Provided,* That the limits are consistent with the purposes of NEPA and other essential considerations of national policy.

(b) The agency may:

(1) Consider the following factors in determining time limits:

(i) Potential for environmental harm.

(ii) Size of the proposed action.

(iii) State of the art of analytic techniques.

(iv) Degree of public need for the proposed action, including the consequences of delay.

(v) Number of persons and agencies affected.

(vi) Degree to which relevant information is known and if not known the time required for obtaining it.

(vii) Degree to which the action is controversial.

(viii) Other time limits imposed on the agency by law, regulations, or executive order.

(2) Set overall time limits or limits for each constituent part of the NEPA process which may include:

(i) Decision on whether to prepare an environmental impact statement (if not already decided).

(ii) Determination of the scope of the environmental impact statement.

(iii) Preparation of the draft environmental impact statement.

(iv) Review of any comments on the draft environmental impact statement from the public and agencies.

(v) Preparation of the final environmental impact statement.

(vi) Review of any comments on the final environmental impact statement.

(vii) Decision on the action based in part on the environmental impact statement.

(3) Designate a person (such as the project manager or a person in the agency's office with NEPA responsibilities) to expedite the NEPA process.

(c) State or local agencies or members of the public may request a Federal Agency to set time limits.

PART 1502—ENVIRONMENTAL IMPACT STATEMENT

Sec.

1502.1 Purpose.
1502.2 Implementation.
1502.3 Statutory Requirements for Statements.
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1502.23 Cost-Benefit Analysis.
1502.24 Methodolgy and Scientific Accuracy.
1502.25 Environmental Review and Consultation Requirements.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977).

§ 1502.1 Purpose.

The primary purpose of an environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment. Agencies shall focus on significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data. Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses. An environmental impact statement is more than a disclosure document. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions.

§ 1502.2 Implementation.

To achieve the purposes set forth in § 1502.1 agencies shall prepare environmental impact statements in the following manner:

(a) Environmental impact statements shall be analytic rather than encyclopedic.

(b) Impacts shall be discussed in proportion to their significance. There shall be only brief discussion of other than significant issues. As in a finding of no significant impact, there should be only enough discussion to show why more study is not warranted.

(c) Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA and with these regulations. Length should vary first with potential environmental problems and then with project size.

(d) Environmental impact statements shall state how alternatives considered in it and decisions based on it will or will not achieve the requirements of sections 101 and 102(1) of the Act and other environmental laws and policies.

(e) The range of alternatives discussed in environmental impact statements shall encompass those to be considered by the ultimate agency decisionmaker.

(f) Agencies shall not commit resources prejudicing selection of alternatives before making a final decision (§ 1506.1).

(g) Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.

§ 1502.3 Statutory requirements for statements.

As required by sec. 102(2)(C) of NEPA environmental impact statements (§ 1508.11) are to be included in every recommendation or report. On proposals (§ 1508.23). For legislation and (§ 1508.17). Other major Federal actions (§ 1508.18). Significantly (§ 1508.27). Affecting (§§ 1508.3, 1508.8). The quality of the human environment (§ 1508.14).

§ 1502.4 Major Federal actions requiring the preparation of environmental impact statements.

(a) Agencies shall make sure the proposal which is the subject of an environmental impact statement is properly defined. Agencies shall use the criteria for scope (§ 1508.25) to determine which proposal(s) shall be the subject of a particular statement. Proposals or parts or proposals which are related to each other closely enough to be, in effect, a single course of action shall

be evaluated in a single impact statement.

(b) Environmental impact statements may be prepared, and are sometimes required, for broad Federal actions such as the adoption of new agency programs or regulations (§ 1508.18). Agencies shall prepare statements on broad actions so that they are relevant to policy and are timed to coincide with meaningful points in agency planning and decisionmaking.

(c) When preparing statements on broad actions (including proposals by more than one agency), agencies may find it useful to evaluate the proposal(s) in one of the following ways:

(1) Geographically, including actions occurring in the same general location, such as body of water, region, or metropolitan area.

(2) Generically, including actions which have relevant similarities, such as common timing, impacts, alternatives, methods of implementation, media, or subject matter.

(3) By stage of technological development including federal or federally assisted research, development or demonstration programs for new technologies which, if applied, could significantly affect the quality of the human environment. Statements shall be prepared on such programs and shall be available before the program has reached a stage of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives.

(d) Agencies shall as appropriate employ scoping (§ 1501.7), tiering (§ 1502.20), and other methods listed in §§ 1500.4 and 1500.5 to relate broad and narrow actions and to avoid duplication and delay.

§ 1502.5 Timing.

An agency shall commence preparation of an environmental impact statement as close as possible to the time the agency is developing or is presented with a proposal (§ 1508.23) so that preparation can be completed in time for the final statement to be included in any recommendation or report on the proposal. The statement shall be prepared early enough so that it can serve practically as an important contribution to the decisionmaking process and will not be used to rationalize of justify decisions already made (§§ 1500.2(c), 1501.2, and 1502.2). For instance:

(a) For projects directly undertaken by Federal agencies the environmental impact statement shall be prepared at the feasibility analysis (go-no go) stage and may be supplemented at a later stage if necessary.

(b) For applications to the agency appropriate environmental assessments or statements shall be commenced no later than immediately after the application is received. Federal agencies are encouraged to begin preparation of such assessments or statements earlier, preferably jointly with applicable State or local agencies.

(c) For adjudication, the final environmental impact statement shall normally precede the final staff recommendation and that portion of the public hearing related to the impact study. In appropriate circumstances the statement may follow preliminary hearings designed to gather information for use in the statements.

(d) For informal rulemaking the draft environmental impact statement shall normally accompany the proposed rule.

§ 1502.6 Interdisciplinary preparation.

Environmental impact statements shall be prepared using an inter-disciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts (section 102(2)(A) of the Act). The disciplines of the preparers shall be appropriate to the scope and issues identified in the scoping process (§ 1501.7).

§ 1502.7 Page limits.

The text of final environmental impact statements (e.g., paragraphs (d) through (g) of § 1502.10) shall normally be less than 150 pages and for proposals of unusual scope or complexity shall normally be less than 300 pages.

§ 1502.8 Writing.

Environmental impact statements shall be written in plain language and may use appropriate graphics so that decisionmakers and the public can readily understand them. Agencies should employ writers of clear prose or editors to write, review, or edit statements, which will be based upon the analysis and supporting data from the natural and social sciences and the environmental design arts.

§ 1502.9 Draft, final, and supplemental statements.

Except for proposals for legislation as provided in § 1506.8 environmental impact statements shall be prepared in two stages and may be supplemented.

(a) Draft environmental impact statements shall be prepared in accordance with the scope decided upon in the scoping process. The lead agency shall work with the cooperating agencies and shall obtain comments as required in Part 1503 of this chapter. The draft statement must fulfill and satisfy to the fullest extent possible the requirements established for final statements in section 102(2)(C) of the Act. If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion. The agency shall make every effort to disclose and discuss at appropriate points in the draft statement all major points of view on the environmental impacts of the alternatives including the proposed action.

(b) Final environmental impact statements shall respond to comments as required in Part 1503 of this chapter. The agency shall discuss at appropriate points in the final statement any responsible opposing view which was not adequately discussed in the draft statement and shall indicate the agency's response to the issues raised.

(c) Agencies:

(1) Shall prepare supplements to either draft or final environmental impact statements if:

(i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or

(ii) There are significant new circumstances, or information relevant to environmental concerns and bearing on the proposed action or its impacts.

(2) May also prepare supplements when the agency determines that the purposes of the Act will be furthered by doing so.

(3) Shall adopt procedures for introducing a supplement into its formal administrative record, if such a record exists.

(4) Shall prepare, circulate, and file a supplement to a statement in the same fashion (exclusive of scoping) as a draft and final statement unless alternative procedures are approved by the Council.

§ 1502.10 Recommended format.

Agencies shall use a format for environmental impact statements which will encourage good analysis and clear presentation of the alternatives including the proposed action. The following standard format for environmental impact statements should be followed unless the agency determines that there is a compelling reason to do otherwise:

(a) Cover sheet.

(b) Summary.

(c) Table of Contents.

(d) Purpose of and Need for Action.

(e) Alternatives Including Proposed Action (secs. 102(2)(C)(iii) and 102(2)(E) of the Act).

(f) Affected Environment.

(g) Environmental Consequences (especially sections 102(2)(C) (i), (ii), (iv), and (v) of the Act.

(h) List of Preparers.

(i) List of Agencies, Organizations, and Persons to Whom Copies of the Statement Are Sent.

(j) Index.

(k) Appendices (if any).

If a different format is used, it shall include paragraphs (a), (b), (c), (h), (i), and (j), of this section and shall include the substance of paragraphs (d), (e), (f), (g), and (k) of this section, as further described in §§ 1502.11-1502.18, in any appropriate format.

§ 1502.11 Cover sheet.

The cover sheet shall not exceed one page. It shall include:

(a) A list of the responsible agencies including the lead agency and any cooperating agencies.

(b) The title of the proposed action that is the subject of the statement (and if appropriate the titles of related cooperating agency actions), together with the State(s) and county(ies) (or other jurisdiction if applicable) where the action is located.

(c) The name, address, and telephone number of the person at the agency who can supply further information.

(d) A designation of the statement as a draft, final, or draft or final supplement.

(e) A one paragraph abstract of the statement.

(f) The date by which comments must be received (computed in cooperation with EPA under § 1506.10).

The information required by this section may be entered on Standard Form 424 (in items 4, 6, 7, 10, and 18).

§ 1502.12 Summary.

Each environmental impact statement shall contain a summary which adequately and accurately summarizes the statement. The summary shall stress the major conclusions, areas of controversy (including issues raised by agencies and the public), and the issues to be resolved (including the choice among alternatives). The summary will normally not exceed 15 pages.

§ 1502.13 Purpose and need.

The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.

§ 1502.14 Alternatives including the proposed action.

This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (§ 1502.15) and the Environmental Consequences (§ 1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies shall:

(a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.

(b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.

(c) Include reasonable alternatives not within the jurisdiction of the lead agency.

(d) Include the alternative of no action.

(e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.

(f) Include appropriate mitigation measures not already included in the proposed action or alternatives.

§ 1502.15 Affected environment.

The environmental impact statement shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The descriptions shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues. Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement.

§ 1502.16 Environmental consequences.

This section forms the scientific and analytic basis for the comparisons under § 1502.14. It shall consolidate the discussions of those elements required by secs. 102(2)(C) (i), (ii), (iv), and (v) of NEPA which are within the scope of the statement and as much of sec. 102(2)(C)(iii) as is necessary to support the comparisons. The discussion will include the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. This section should not duplicate discussions in § 1502.14. It shall include discussions of:

(a) Direct effects and their significance (§ 1508.18).

(b) Indirect effects and their significance (§ 1508.8).

(c) Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned. (See § 1506.2(c).)

(d) The environmental effects of alternatives including the proposed action. The comparisons under § 1502.14 will be based on this discussion.

(e) Energy requirements and conservation potential of various alternatives and mitigation measures.

(f) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.

(g) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

(h) Means to mitigate adverse environmental impacts (if not fully covered under § 1502.14(f)).

§ 1502.17 List of preparers.

The environmental impact statement shall list the names, together with their qualifications (expertise, experience, professional disciplines), of the persons who were primarily responsible for preparing the environmental impact statement or significant background papers, including basic components of the statement (§§ 1502.6 and 1502.8). Where possible the persons who are responsible for a particular analysis, including analyses in background papers, shall be identified. Normally the list will not exceed two pages.

§ 1502.18 Appendix.

If an agency prepares an appendix to an environmental impact statement the appendix shall:

(a) Consist of material prepared in connection with an environmental impact statement (as distinct from material which is not so prepared and which is incorporated by reference (§ 1502.21)).

(b) Normally consist of material which substantiates any analysis fundamental to the impact statement.

(c) Normally be analytic and relevant to the decision to be made.

(d) Be circulated with the environmental impact statement or be readily available on request.

§ 1502.19 Circulation of the environmental impact statement.

Agencies shall circulate the entire draft and final environmental impact statements except for certain appendices as provided in § 1502.18(d) and unchanged statements as provided in § 1503.4(c). However, if the statement is unusually long, the agency may circulate the summary instead, except that the entire statement shall be furnished to:

(a) Any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved and any appropriate Federal, State or local agency authorized to develop and enforce environmental standards.

(b) The applicant, if any.

(c) Any person, organization, or agency requesting the entire environmental impact statement.

(d) In the case of a final environmental impact statement any person, organization, or agency which submitted substantive comments on the draft.

If the agency circulates the summary and thereafter receives a timely request for the entire statement and for additional time to comment, the time for that requestor only shall be extended by at least 15 days beyond the minimum period.

§ 1502.20 Tiering.

Agencies are encouraged to tier their environmental impact statements to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review (§ 1508.28). Whenever a broad environmental impact statement has been prepared (such as a program or policy statement) and a subsequent statement or environmental assessment is then prepared on an action included within the entire program or policy (such as a site specific action) the subsequent statement or environmental assessment need only summarize the issues discussed in the broader statement and incorporate discussions from the broader statement by reference and shall concentrate on the issues specific to the subsequent action. The subsequent document shall state where the earlier document is available. Tiering may also be appropriate for different stages of actions. (Sec. 1508.28).

§ 1502.21 Incorporation by reference.

Agencies shall incorporate material into an environmental impact statement by reference when the effect will be to cut down on bulk without impeding agency and public review of the action. The incorporated material shall be cited in the statement and its content briefly described. No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment. Material based on proprietary data which is itself not available for review and comment shall not be incorporated by reference.

§ 1502.22 Incomplete or unavailable information

When an agency is evaluating significant adverse effects on the human environment in an environmental impact statement and there are gaps in relevant information or scientific uncertainty, the agency shall always make clear that such information is lacking or that uncertainty exists.

(a) If the information relevant to adverse impacts is essential to a reasoned choice among alternatives and is not known and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement.

(b) If (1) the information relevant to adverse impacts is essential to a reasoned choice among alternatives and is not known and the overall costs of obtaining it are exorbitant or (2) the information relevant to adverse impacts is important to the decision and the means to obtain it are not known (e.g., the means for obtaining it are beyond the state of the art) the agency shall weigh the need for the action against the risk and severity of possible adverse impacts were the action to proceed in the face of uncertainty. If the agency proceeds, it shall include a worst case analysis and an indication of the probability or improbability of its occurrence.

§ 1502.23 Cost-benefit analysis.

If a cost-benefit analysis relevant to the choice among environmentally different alternatives is being considered for the proposed action, it shall be incorporated by reference or appended to the statement as an aid in evaluating the environmental consequences. To assess the adequacy of compliance with sec. 102(2)(B) of the Act the statement shall, when a cost-benefit analysis is prepared, discuss the relationship between that analysis and any analyses of unquantified environmental impacts, values, and amenities. For purposes of complying with the Act, the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative considerations. In any event, an environmental impact statement should at least indicate those considerations, including factors not related to environmental quality, which are likely to be relevant and important to a decision.

§ 1502.21 Methodology and scientific accuracy.

Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.

§ 1502.25 Environmental review and consultation requirements.

(a) To the fullest extent possible, agencies shall prepare draft environmental impact statements concurrently with and integrated with environmental impact analyses and related surveys and studies required by the Fish and Wildlife Coordination Act (16 U.S.C. Sec. 661 et seq.) the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470 et seq.), the Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), and other environmental review laws and executive orders.

(b) The draft environmental impact statement shall list all Federal permits, licenses, and other entitlements which must be obtained in implementing the proposal. If it is uncertain whether a Federal permit, license, or other entitlement is necessary, the draft environmental impact statement shall so indicate.

PART 1503—COMMENTING

Sec.

1503.1 Inviting Comments.
1503.2 Duty to Comment.
1503.3 Specificity of Comments.
1503.4 Response to Comments.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977).

§ 1503.1 Inviting comments.

(a) After preparing a draft environmental impact statement and before preparing a final environmental impact statement the agency shall:

(1) Obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce environmental standards.

(2) Request the comments of:

(i) Appropriate State and local agencies which are authorized to develop and enforce environmental standards;

(ii) Indian tribes, when the effects may be on a reservation; and

(iii) Any agency which has requested that it receive statements on actions of the kind proposed.

Office of Management and Budget Circular A-95 (Revised), through its system of clearinghouses, provides a means of securing the views of State and local environmental agencies. The clearinghouses may be used, by mutual agreement of the lead agency and the clearinghouse, for securing State and local reviews of the draft environmental impact statements.

(3) Request comments from the applicant, if any.

(4) Request comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected.

(b) An agency may request comments on a final environmental impact statement before the decision is finally made. In any case other agencies or persons may make comments before the final decision unless a different time is provided under § 1506.10

§ 1503.2 Duty to comment.

Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved and agencies which are authorized to develop and enforce environmental standards shall comment on statements within their jurisdiction, expertise, or authority. Agencies shall comment within the time period specified for comment in § 1506.10. A Federal agency may reply that it has no comment. If a cooperating agency is satisfied that its views are adequately reflected in the environmental impact statement, it should reply that it has no comment.

§ 1503.3 Specificity of comments.

(a) Comments on an environmental impact statement or on a proposed action shall be as specific as possible and may address either the adequacy of the statement or the merits of the alternatives discussed or both.

(b) When a commenting agency criticizes a lead agency's predictive methodology, the commenting agency should describe the alternative methodology which it prefers and why.

(c) A cooperating agency shall specify in its comments whether it needs additional information to fulfill other applicable environmental reviews or consultation requirements and what information it needs. In particular, it shall specify any additional information it needs to comment adequately on the draft statement's analysis of significant site-specific effects associated with the granting or approving by that cooperating agency of necessary Federal permits, licenses, or entitlements.

(d) When a cooperating agency with jurisdiction by law objects to or expresses reservations about the proposal on grounds of environmental impacts, the agency expressing the objection or reservation shall specify the mitigation measures it considers necessary to allow the agency to grant or approve applicable permit, license, or related requirements or concurrences.

§ 1503.4 Response to comments.

(a) An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:

(1) Modify alternatives including the proposed action.

(2) Develop and evaluate alternatives not previously given serious consideration by the agency.

(3) Supplement, improve, or modify its analyses.

(4) Make factual corrections.

(5) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

(b) All substantive comments received on the draft statement (or summaries thereof where the response has been exceptionally voluminous), should be attached to the final statement whether or not the comment is thought to merit individual discussion by the agency in the text of the statement.

(c) If changes in response to comments are minor and are confined to the responses described in paragraphs (a) (4) and (5) of this section, agencies may write them on errata sheets and attach them to the statement instead of rewriting the draft statement. In such cases only the comments, the responses, and the changes and not the final statement need be circulated (§ 1502.19). The entire document with a new cover sheet shall be filed as the final statement (§ 1506.9).

PART 1504—PREDECISION REFERRALS TO THE COUNCIL OF PROPOSED FEDERAL ACTIONS DETERMINED TO BE ENVIRONMENTALLY UNSATISFACTORY

Sec.

1504.1 Purpose.
1504.2 Criteria for Referral.
1504.3 Procedure for Referrals and Response.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977).

§ 1504.1 Purpose.

(a) This part establishes procedures for referring to the Council Federal interagency disagreements concerning proposed major Federal actions that might cause unsatisfactory environmental effects. It provides means for early resolution of such disagreements.

(b) Under section 309 of the Clean Air Act (42 U.S.C. 7609), the Administrator of the Environmental Protection Agency is directed to review and comment publicly on the environmental impacts of Federal activities, including actions for which environmental impact statements are prepared. If after this review the Administrator determines that the matter is "unsatisfactory from the standpoint of public health or welfare or environmental quality," section 309 directs that the matter be referred to the Council (hereafter "environmental referrals").

(c) Under section 102(2)(C) of the Act other Federal agencies may make similar reviews of environmental impact statements, including judgments on the acceptability of anticipated environmental impacts. These reviews must be made available to the President, the Council and the public.

§ 1504.2 Criteria for referral.

Environmental referrals should be made to the Council only after concerted, timely (as early as possible in the process), but unsuccessful attempts to resolve differences with the lead agency. In determining what environmental objections to the matter are appropriate to refer to the Council, an agency should weigh potential adverse environmental impacts, considering:

(a) Possible violation of national environmental standards or policies.

(b) Severity.

(c) Geographical scope.

(d) Duration.

(e) Importance as precedents.

(f) Availability of environmentally preferable alternatives.

§ 1504.3 Procedure for referrals and response.

(a) A Federal agency making the referral to the Council shall:

(1) Advise the lead agency at the earliest possible time that it intends to refer a matter to the Council unless a satisfactory agreement is reached.

(2) Include such advice in the referring agency's comments on the draft environmental impact statement, except when the statement does not

contain adequate information to permit an assessment of the matter's environmental acceptability.

(3) Identify any essential information that is lacking and request that it be made available at the earliest possible time.

(4) Send copies of such advice to the Council.

(b) The referring agency shall deliver its referral to the Council not later than twenty-five (25) days after the final environmental impact statement has been made available to the Environmental Protection Agency, commenting agencies, and the public. Except when an extension of this period has been granted by the lead agency, the Council will not accept a referral after that date.

(c) The referral shall consist of:

(1) A copy of the letter signed by the head of the referring agency and delivered to the lead agency informing the lead agency of the referral and the reasons for it, and requesting that no action be taken to implement the matter until the Council acts upon the referral. The letter shall include a copy of the statement referred to in (c)(2) below.

(2) A statement supported by factual evidence leading to the conclusion that the matter is unsatisfactory from the standpoint of public health or welfare or environmental quality. The statement shall:

(i) Identify any material facts in controversy and incorporate (by reference if appropriate) agreed upon facts,

(ii) Identify any existing environmental requirements or policies which would be violated by the matter,

(iii) Present the reasons why the referring agency believes the matter is environmentally unsatisfactory,

(iv) Contain a finding by the agency whether the issue raised is of national importance because of the threat to national environmental resources or policies or for some other reason,

(v) Review the steps taken by the referring agency to bring its concerns to the attention of the lead agency at the earliest possible time, and

(vi) Give the referring agency's recommendations as to what mitigation alternative, further study, or other course of action (including abandonment of the matter) are necessary to remedy the situation.

(d) Not later than twenty-five (25) days after the referral to the Council the lead agency may deliver a response to the Council, and the referring agency. If the lead agency requests more time and gives assurance that the matter will not go forward in the interim, the Council may grant an extension. The response shall:

(1) Address fully the issues raised in the referral.

(2) Be supported by evidence.

(3) Give the lead agency's response to the referring agency's recommendations.

(e) Interested persons (including the applicant) may deliver their views in writing to the Council. Views in support of the referral should be delivered not later than the referral. Views in support of the response shall be delivered not later than the response.

(f) Not later than twenty-five (25) days after receipt of both the referral and any response or upon being informed that there will be no response (unless the lead agency agrees to a longer time), the Council may take one or more of the following actions:

(1) Conclude that the process of referral and response has successfully resolved the problem.

(2) Initiate discussions with the agencies with the objective of mediation with referring and lead agencies.

(3) Hold public meetings or hearings to obtain additional views and information.

(4) Determine that the issue is not one of national importance and request the referring and lead agencies to pursue their decision process.

(5) Determine that the issue should be further negotiated by the referring and lead agencies and is not appropriate for Council consideration until one or more heads of agencies report to the Council that the agencies' disagreements are irreconcilable.

(6) Publish its findings and recommendations (including where appropriate a finding that the submitted evidence does not support the position of an agency).

(7) When appropriate, submit the referral and the response together with the Council's recommendation to the President for action.

(g) The Council shall take no longer than 60 days to complete the actions specified in paragraph (f) (2), (3), or (5) of this section.

(h) When the referral involves an action required by statute to be determined on the record after opportunity for agency hearing, the referral shall be conducted in a manner consistent with 5 U.S.C. 557(d) (Administrative Procedures Act).

PART 1505—NEPA AND AGENCY DECISIONMAKING

Sec.

1505.1 Agency decisionmaking procedures.
1505.2 Record of decision in cases requiring environmental impact statements.
1505.3 Implementing the decision.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977).

§ 1505.1 Agency decisionmaking procedures.

Agencies shall adopt procedures (§ 1507.3) to ensure that decisions are made in accordance with the policies and purposes of the Act. Such procedures shall include but not be limited to:

(a) Implementing procedures under section 102(2) to achieve the requirements of sections 101 and 102(1).

(b) Designating the major decision points for the agency's principal programs likely to have a significant effect on the human environment and assuring that the NEPA process corresponds with them.

(c) Requiring that relevant environmental documents, comments, and responses be part of the record in formal rulemaking or adjudicatory proceedings.

(d) Requiring that relevant environmental documents, comments, and responses accompany the proposal through existing agency review processes so that agency officials use the statement in making decisions.

(e) Requiring that the alternatives considered by the decisionmaker are encompassed by the range of alternatives discussed in the relevant environmental documents and that the decisionmaker consider the alternatives described in the environmental impact statement. If another decision document accompanies the relevant environmental documents to the decisionmaker, agencies are encouraged to make available to the public before the decision is made any part of that document that relates to the comparison of alternatives.

§ 1505.2 Record of decision in cases requiring environmental impact statements.

At the time of its decision (§ 1506.10) or, if appropriate, its recommendation to Congress, each agency shall prepare a concise public record of decision. The record, which may be integrated into any other record prepared by the agency, including that required by OMB Circular A-95 (Revised), part I, sections 6 (c) and (d), and part II, section 5(b)(4), shall:

(a) State what the decision was.

(b) Identify all alternatives considered by the agency in reaching its decision, specifying the alternative or alternatives which were considered to be environmentally preferable. An agency may discuss preferences among alternatives based on relevant factors including economic and technical considerations and agency statutory missions. An agency shall identify and discuss all such factors including any essential considerations of national policy which were balanced by the agency in making its decision and

state how those considerations entered into its decision.

(c) State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation.

§ 1505.3 Implementing the decision.

Agencies may provide for monitoring to assure that their decisions are carried out and should do so in important cases. Mitigation (§ 1505.2(c)) and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency. The lead agency shall:

(a) Include appropriate conditions in grants, permits or other approvals.

(b) Condition funding of actions on mitigation.

(c) Upon request, inform cooperating or commenting agencies on progress in carrying out mitigation measures which they have proposed and which were adopted by the agency making the decision.

(d) Upon request, make available to the public the results of relevant monitoring.

PART 1506—OTHER REQUIREMENTS OF NEPA

Sec.

1506.1 Limitations on actions during NEPA process.
1506.2 Elimination of duplication with State and local procedures.
1506.3 Adoption.
1506.4 Combining documents.
1506.5 Agency responsibility.
1506.6 Public involvement.
1506.7 Further guidance.
1506.8 Proposals for legislation.
1506.9 Filing requirements.
1506.10 Timing of agency action.
1506.11 Emergencies.
1506.12 Effective date.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977).

§ 1506.1 Limitations on actions during NEPA process.

(a) Until an agency issues a record of decision as provided in § 1505.2 (except as provided in paragraph (c) of this section), no action concerning the proposal shall be taken which would:

(1) Have an adverse environmental impact; or

(2) Limit the choice of reasonable alternatives.

(b) If any agency is considering an application from a non-Federal entity, and is aware that the applicant is about to take an action within the agency's jurisdiction that would meet either of the criteria in paragraph (a) of this section, then the agency shall promptly notify the applicant that the agency will take appropriate action to insure that the objectives and procedures of NEPA are achieved.

(c) While work on a required program environmental impact statement is in progress and the action is not covered by an existing program statement, agencies shall not undertake in the interim any major Federal action covered by the program which may significantly affect the quality of the human environment unless such action:

(1) Is justified independently of the program;

(2) Is itself accompanied by an adequate environmental impact statement; and

(3) Will not prejudice the ultimate decision on the program. Interim action prejudices the ultimate decision on the program when it tends to determine subsequent development or limit alternatives.

(d) This section does not preclude development by applicants of plans or designs or performance of other work necessary to support an application for Federal, State or local permits or assistance. Nothing in this section shall preclude Rural Electrification Administration approval of minimal expenditures not affecting the environment (*e.g.* long leadtime equipment and purchase options) made by nongovernmental entities seeking loan guarantees from the Administration.

§ 1506.2 Elimination of duplication with State and local procedures.

(a) Agencies authorized by law to cooperate with State agencies of statewide jurisdiction pursuant to section 102(2)(D) of the Act may do so.

(b) Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements, unless the agencies are specifically barred from doing so by some other law. Except for cases covered by paragraph (a) of this section, such cooperation shall to the fullest extent possible include:

(1) Joint planning processes.

(2) Joint environmental research and studies.

(3) Joint public hearings (except where otherwise provided by statute).

(4) Joint environmental assessments.

(c) Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and comparable State and local requirements, unless the agencies are specifically barred from doing so by some other law. Except for cases covered by paragraph (a) of this section, such cooperation shall to the fullest extent possible include joint environmental impact statements. In such cases one or more Federal agencies and one or more State or local agencies shall be joint lead agencies. Where State laws or local ordinances have environmental impact statement requirements in addition to but not in conflict with those in NEPA, Federal agencies shall cooperate in fulfilling these requirements as well as those of Federal laws so that one document will comply with all applicable laws.

(d) To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law.

§ 1506.3 Adoption.

(a) An agency may adopt a Federal draft or final environmental impact statement or portion thereof provided that the statement or portion thereof meets the standards for an adequate statement under these regulations.

(b) If the actions covered by the original environmental impact statement and the proposed action are substantially the same, the agency adopting another agency's statement is not required to recirculate it except as a final statement. Otherwise the adopting agency shall treat the statement as a draft and recirculate it (except as provided in paragraph (c) of this section).

(c) A cooperating agency may adopt without recirculating the environmental impact statement of a lead agency when, after an independent review of the statement, the cooperating agency concludes that its comments and suggestions have been satisfied.

(d) When an agency adopts a statement which is not final within the agency that prepared it, or when the action it assesses is the subject of a referral under part 1504, or when the statement's adequacy is the subject of a judicial action which is not final, the agency shall so specify.

§ 1506.4 Combining documents.

Any environmental document in compliance with NEPA may be combined with any other agency document to reduce duplication and paperwork.

§ 1506.5 Agency responsibility.

(a) *Information.* If an agency requires an applicant to submit environmental information for possible use by the agency in preparing an environmental impact statement, then the agency should assist the applicant by outlining the types of information required. The agency shall independently evaluate the information submitted and shall be responsible for its accuracy. If the agency chooses to use the information submitted by the applicant in the environmental impact statement, either directly or by reference, then the names of the persons responsible for the independent evaluation shall be included in the list of preparers (§ 1502.17). It is the intent of this subparagraph that acceptable work not be redone, but that it be verified by the agency.

(b) *Environmental assessments.* If an agency permits an applicant to prepare an environmental assessment, the agency, besides fulfilling the requirements of paragraph (a) of this section, shall make its own evaluation of the environmental issues and take responsibility for the scope and content of the environmental assessment.

(c) *Environmental impact statements.* Except as provided in §§ 1506.2 and 1506.3 any environmental impact statement prepared pursuant to the requirements of NEPA shall be prepared directly by or by a contractor selected by the lead agency or where appropriate under § 1501.6(b), a cooperating agency. It is the intent of these regulations that the contractor be chosen solely by the lead agency, or by the lead agency in cooperation with cooperating agencies, or where appropriate by a cooperating agency to avoid any conflict of interest. Contractors shall execute a disclosure statement prepared by the lead agency, or where appropriate the cooperating agency, specifying that they have no financial or other interest in the outcome of the project. If the document is prepared by contract, the responsible Federal official shall furnish guidance and participate in the preparation and shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents. Nothing in this section is intended to prohibit any agency from requesting any person to submit information to it or to prohibit any person from submitting information to any agency.

§ 1506.6 Public involvement.

Agencies shall: (a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.

(b) Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.

(1) In all cases the agency shall mail notice to those who have requested it on an individual action.

(2) In the case of an action with effects of national concern notice shall include publication in the FEDERAL REGISTER and notice by mail to national organizations reasonably expected to be interested in the matter and may include listing in the *102 Monitor.* An agency engaged in rulemaking may provide notice by mail to national organizations who have requested that notice regularly be provided. Agencies shall maintain a list of such organizations.

(3) In the case of an action with effects primarily of local concern the notice may include:

(i) Notice to State and areawide clearinghouses pursuant to OMB Circular A-95 (Revised).

(ii) Notice to Indian tribes when effects may occur on reservations.

(iii) Following the affected State's public notice procedures for comparable actions.

(iv) Publication in local newspapers (in papers of general circulation rather than legal papers).

(v) Notice through other local media.

(vi) Notice to potentially interested community organizations including small business associations.

(vii) Publication in newsletters that may be expected to reach potentially interested persons.

(viii) Direct mailing to owners and occupants of nearby or affected property.

(ix) Posting of notice on and off site in the area where the action is to be located.

(c) Hold or sponsor public hearings or public meetings whenever appropriate or in accordance with statutory requirements applicable to the agency. Criteria shall include whether there is:

(1) Substantial environmental controversy concerning the proposed action or substantial interest in holding the hearing.

(2) A request for a hearing by another agency with jurisdiction over the action supported by reasons why a hearing will be helpful. If a draft environmental impact statement is to be considered at a public hearing, the agency should make the statement available to the public at least 15 days in advance (unless the purpose of the hearing is to provide information for the draft environmental impact statement).

(d) Solicit appropriate information from the public.

(e) Explain in its procedures where interested persons can get information or status reports on environmental impact statements and other elements of the NEPA process.

(f) make environmental impact statements, the comments received, and any underlying documents available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552), without regard to the exclusion for interagency memoranda where such memoranda transmit comments of Federal agencies on the environmental impact of the proposed action. Materials to be made available to the public shall be provided to the public without charge to the extent practicable, or at a fee which is not more than the actual costs of reproducing copies required to be sent to other Federal agencies, including the Council.

§ 1506.7 Further guidance.

The Council may provide further guidance concerning NEPA and its procedures including:

(a) A handbook which the Council may supplement from time to time, which shall in plain language provide guidance and instructions concerning the application of NEPA and these regulations.

(b) Publication of the Council's Memoranda to Heads of Agencies.

(c) In conjunction with the Environmental Protection Agency and the publication of the 102 Monitor, notice of:

(1) Research activities;

(2) Meetings and conferences related to NEPA; and

(3) Successful and innovative procedures used by agencies to implement NEPA.

§ 1506.8 Proposals for legislation.

(a) The NEPA process for proposals for legislation (§ 1508.17) significantly affecting the quality of the human environment shall be integrated with the legislative process of the Congress. A legislative environmental impact statement is the detailed statement required by law to be included in a recommendation or report on a legislative proposal to Congress. A legislative environmental impact statement shall be considered part of the formal transmittal of a legislative proposal to Congress; however, it may be transmitted to Congress up to 30 days later in order to allow time for completion of an accurate statement which can serve as the basis for public and Congressional debate. The statement must be available in time for Congressional hearings and deliberations.

(b) Preparation of a legislative environmental impact statement shall conform to the requirements of these regulations except as follows:

(1) There need not be a scoping process.

(2) The legislative statement shall be prepared in the same manner as a draft statement, but shall be considered the "detailed statement" required by statute; *Provided*, That when any of the following conditions exist both the draft and final environmental impact statement on the legislative proposal shall be prepared and circulated as provided by §§ 1503.1 and 1506.10.

(i) A Congressional Committee with jurisdiction over the proposal has a rule requiring both draft and final environmental impact statements.

(ii) The proposal results from a study process required by statute (such as those required by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et esq.) and the Wilderness Act (16 U.S.C. 1131 et seq.)

(iii) Legislative approval is sought for Federal or federally assisted construction or other projects which the agency recommends be located at specific geographic locations. For proposals requiring an environmental impact statement for the acquisition of space by the General Services Administration a draft statement shall accompany the Prospectus or the 11(b) Report of Building Project Surveys to the Congress, and a final statement shall be completed before site acquisition.

(iv) The agency decides to prepare draft and final statements.

(c) Comments on the legislative statement shall be given to the lead agency which shall forward them along with its own responses to the Congressional committees with jurisdiction.

§ 1506.9 Filing requirements.

Environmental impact statements together with comments and responses shall be filed with the Environmental Protection Agency, attention Office of Federal Activities (A-104), 401 M Street SW., Washington, D.C. 20460. Statements shall be filed with EPA no earlier than they are also transmitted to commenting agencies and made available to the public. EPA shall deliver one copy of each statement to the Council, which shall satisfy the requirement of availability to the President. EPA may issue guidelines to agencies to implement its responsibilities under this section and § 1506.10 below.

§ 1506.10 Timing of agency action.

(a) The Environmental Protection Agency shall publish a notice in the FEDERAL REGISTER each week of the environmental impact statements filed during the preceding week. The minimum time periods set forth in this section section shall be calculated from the date of publication of this notice.

(b) No decision on the proposed action shall be made or recorded under § 1505.2 by a Federal agency until the later of the following dates:

(1) Ninety (90) days after publication of the notice described above in paragraph (a) of this section for a draft environmental impact statement.

(2) Thirty (30) days after publication of the notice described above in paragraph (a) of this section for a final environmental impact statement. An exception to the rules on timing may be made in the case of an agency decision which is subject to a formal internal appeal. Some agencies have a formally established appeal process which allows other agencies or the public to take appeals on a decision and make their views known, after publication of the final environmental impact statement. In such cases, where a real opportunity exists to alter the decision, the decision may be made and recorded at the same time the environmental impact statement is published. This means that the period for appeal of the decision and the 30-day period prescribed in paragraph (b)(2) of this section may run concurrently. In such cases the environmental impact statement shall explain the timing and the public's right of appeal. An agency engaged in rulemaking under the Administrative Procedures Act or other statute for the purpose of protecting the public health or safety, may waive the time period in paragraph (b)(2) of this section and publish a decision on the final rule simultaneously with publication of the notice of the availability of the final environmental impact statement as described in paragraph (a) of this section.

(c) If the final environmental impact statement is filed within ninety (90) days after a draft environmental impact statement is filed with the Environmental Protection Agency, the minimum thirty (30) day period and the minimum ninety (90) day period may run concurrently. However, subject to paragraph (d) of this section agencies shall allow not less than 45 days for comments on draft statements.

(d) The lead agency may extend prescribed periods. The Environmental Protection Agency may upon a showing by the lead agency of compelling reasons of national policy reduce the prescribed periods and may upon a showing by any other Federal agency of compelling reasons of national policy also extend prescribed periods, but only after consultation with the lead agency. (Also see § 1507.3(d).) Failure to file timely comments shall not be a sufficient reason for extending a period. If the lead agency does not concur with the extension of time, EPA may not extend it for more than 30 days. When the Environmental Protection Agency reduces or extends any period of time it shall notify the Council.

§ 1506.11 Emergencies.

Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these regulations, the Federal agency taking the action should consult with the Council about alternative arrangements. Agencies and the Council will limit such arrangements to actions necessary to control the immediate impacts of the emergency. Other actions remain subject to NEPA review.

§ 1506.12 Effective date.

The effective date of these regulations is July 30, 1979, except that for agencies that administer programs that qualify under sec. 102(2)(D) of the Act or under sec. 104(h) of the Housing and Community Development Act of 1974 an additional four months shall be allowed for the State or local agencies to adopt their implementing procedures.

(a) These regulations shall apply to the fullest extent practicable to ongoing activities and environmental documents begun before the effective date. These regulations do not apply to an environmental impact statement or supplement if the draft statement was filed before the effective date of these regulations. No completed environmental documents need be redone by reasons of these regulations. Until these regulations are applicable, the Council's guidelines published in the FEDERAL REGISTER of August 1, 1973, shall continue to be applicable. In cases where these regulations are applicable the guidelines are superseded. However, nothing shall prevent an agency from proceeding under these regulations at an earlier time.

(b) NEPA shall continue to be applicable to actions begun before January 1, 1970, to the fullest extent possible.

PART 1507—AGENCY COMPLIANCE

Sec.
1507.1 Compliance.
1507.2 Agency Capability to Comply.
1507.3 Agency Procedures.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977).

§ 1507.1 Compliance.

All agencies of the Federal Government shall comply with these regulations. It is the intent of these regulations to allow each agency flexibility in adapting its implementing proce-

dures authorized by § 1507.3 to the requirements of other applicable laws.

§ 1507.2 Agency capability to comply.

Each agency shall be capable (in terms of personnel and other resources) of complying with the requirements enumerated below. Such compliance may include use of other's resources, but the using agency shall itself have sufficient capability to evaluate what others do for it. Agencies shall:

(a) Fulfill the requirements of Sec. 102(2)(A) of the Act to utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on the human environment. Agencies shall designate a person to be responsible for overall review of agency NEPA compliance.

(b) Identify methods and procedures required by Sec. 102(2)(B) to insure that presently unquantified environmental amenities and values may be given appropriate consideration.

(c) Prepare adequate environmental impact statements pursuant to Sec. 102(2)(C) and comment on statements in the areas where the agency has jurisdiction by law or special expertise or is authorized to develop and enforce environmental standards.

(d) Study, develop, and describe alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources. This requirement of Sec. 102(2)(E) extends to all such proposals, not just the more limited scope of Sec. 102(2)(C)(iii) where the discussion of alternatives is confined to impact statements.

(e) Comply with the requirements of Sec. 102(2)(H) that the agency initiate and utilize ecological information in the planning and development of resource-oriented projects.

(f) Fulfill the requirements of sections 102(2)(F), 102(2)(G), and 102(2)(I), of the Act and of Executive Order 11514, Protection and Enhancement of Environmental Quality, Sec. 2.

§ 1507.3 Agency procedures.

(a) Not later than eight months after publication of these regulations as finally adopted in the FEDERAL REGISTER, or five months after the establishment of an agency, whichever shall come later, each agency shall as necessary adopt procedures to supplement these regulations. When the agency is a department, major subunits are encouraged (with the consent of the department) to adopt their own procedures. Such procedures shall not paraphrase these regulations. They shall confine themselves to implementing procedures. Each agency shall consult with the Council while developing its procedures and before publishing them in the FEDERAL REGISTER for comment. Agencies with similar programs should consult with each other and the Council to coordinate their procedures, especially for programs requesting similar information from applicants. The procedures shall be adopted only after an opportunity for public review and after review by the Council for conformity with the Act and these regulations. The Council shall complete its review within 30 days. Once in effect they shall be filed with the Council and made readily available to the public. Agencies are encouraged to publish explanatory guidance for these regulations and their own procedures. Agencies shall continue to review their policies and procedures and in consultation with the Council to revise them as necessary to ensure full compliance with the purposes and provisions of the Act.

(b) Agency procedures shall comply with these regulations except where compliance would be inconsistent with statutory requirements and shall include:

(1) Those procedures required by §§ 1501.2(d), 1502.9(c)(3), 1505.1, 1506.6(e), and 1508.4.

(2) Specific criteria for and identification of those typical classes of action:

(i) Which normally do require environmental impact statements.

(ii) Which normally do not require either an environmental impact statement or an environmental assessment (categorical exclusions (§ 1508.4)).

(iii) Which normally require environmental assessments but not necessarily environmental impact statements.

(c) Agency procedures may include specific criteria for providing limited exceptions to the provisions of these regulations for classified proposals. They are proposed actions which are specifically authorized under criteria established by an Executive Order or statute to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order or statute. Environmental assessments and environmental impact statements which address classified proposals may be safeguarded and restricted from public dissemination in accordance with agencies' own regulations applicable to classified information. These documents may be organized so that classified portions can be included as annexes, in order tht the unclassified portions can be made available to the public.

(d) Agency procedures may provide for periods of time other than those presented in § 1506.10 when necessary to comply with other specific statutory requirements.

(e) Agency procedures may provide that where there is a lengthy period between the agency's decision to prepare an environmental impact statement and the time of actual preparation, the notice of intent required by § 1501.7 may be published at a reasonable time in advance of preparation of the draft statement.

PART 1508—TERMINOLOGY AND INDEX

Sec.

1508.1 Terminology.
1508.2 Act.
1508.3 Affecting.
1508.4 Categorical Exclusion.
1508.5 Cooperating Agency.
1508.6 Council.
1508.7 Cumulative Impact.
1508.8 Effects.
1508.9 Environmental Assessment.
1508.10 Environmental Document.
1508.11 Environmental Impact Statement.
1508.12 Federal Agency.
1508.13 Finding of No Significant Impact.
1508.14 Human Environment.
1508.15 Jurisdiction By Law.
1508.16 Lead Agency.
1508.17 Legislation.
1508.18 Major Federal Action.
1508.19 Matter.
1508.20 Mitigation.
1508.21 NEPA Process.
1508.22 Notice of Intent.
1508.23 Proposal.
1508.24 Referring Agency.
1508.25 Scope.
1508.26 Special Expertise.
1508.27 Significantly.
1508.28 Tiering.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 *et seq.*), Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977).

§ 1508.1 Terminology.

The terminology of this part shall be uniform throughout the Federal Government.

§ 1508.2 Act.

"Act" means the National Environmental Policy Act, as amended (42 U.S.C. 4321, et seq.) which is also referred to as "NEPA."

§ 1508.3 Affecting.

"Affecting" means will or may have an effect on.

§ 1508.4 Categorical exclusion.

"Categorical Exclusion" means a category of actions which do not individually or cumulatively have a significant effect on the human environment

and which have been found to have no such effect in procedures adopted by a Federal agency in implementation of these regulations (§ 1507.3) and for which, therefore, neither an environmental assessment nor an environmental impact statement is required. An agency may decide in its procedures or otherwise, to prepare environmental assessments for the reasons stated in § 1508.9 even though it is not required to do so. Any procedures under this section shall provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect.

§ 1508.5 Cooperating agency.

"Cooperating Agency" means any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment. The selection and responsibilities of a cooperating agency are described in § 1501.6. A State or local agency of similar qualifications or, when the effects are on a reservation, an Indian Tribe, may by agreement with the lead agency become a cooperating agency.

§ 1508.6 Council.

"Council" means the Council on Environmental Quality established by Title II of the Act.

§ 1508.7 Cumulative impact.

"Cumulative impact" is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

§ 1508.8 Effects.

"Effects" include:

(a) Direct effects, which are caused by the action and occur at the same time and place.

(b) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Effects and impacts as used in these regulations are synonymous. Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.

§ 1508.9 Environmental assessment.

"Environmental Assessment":

(a) Means a concise public document for which a Federal agency is responsible that serves to:

(1) Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.

(2) Aid an agency's compliance with the Act when no environmental impact statement is necessary.

(3) Facilitate preparation of a statement when one is necessary.

(b) Shall include brief discussions of the need for the proposal, of alternatives as required by sec. 102(2)(E), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.

§ 1508.10 Environmental document.

"Environmental document" includes the documents specified in § 1508.9 (environmental assessment), § 1508.11 (environmental impact statement), § 1508.13 (finding of no significant impact), and § 1508.22 (notice of intent).

§ 1508.11 Environmental impact statement.

"Environmental Impact Statement" means a detailed written statement as required by Sec. 102(2)(C) of the Act.

§ 1508.12 Federal agency.

"Federal agency" means all agencies of the Federal Government. It does not mean the Congress, the Judiciary, or the President, including the performance of staff functions for the President in his Executive Office. It also includes for purposes of these regulations States and units of general local government and Indian tribes assuming NEPA responsibilities under section 104(h) of the Housing and Community Development Act of 1974.

§ 1508.13 Finding of no significant impact.

"Finding of No Significant Impact" means a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded (§ 1508.4), will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it (§ 1501.7(a)(5)). If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference.

§ 1508.14 Human Environment.

"Human Environment" shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment. (See the definition of "effects" (§ 1508.8).) This means that economic or social effects are not intended by themselves to require preparation of an environmental impact statement. When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment.

§ 1508.15 Jurisdiction By Law.

"Jurisdiction by law" means agency authority to approve, veto, or finance all or part of the proposal.

§ 1508.16 Lead agency.

"Lead Agency" means the agency or agencies preparing or having taken primary responsibility for preparing the environmental impact statement.

§ 1508.17 Legislation.

"Legislation" includes a bill or legislative proposal to Congress developed by or with the significant cooperation and support of a Federal agency, but does not include requests for appropriations. The test for significant cooperation is whether the proposal is in fact predominantly that of the agency rather than another source. Drafting does not by itself constitute significant cooperation. Proposals for legislation include requests for ratification of treaties. Only the agency which has primary responsibility for the subject matter involved will prepare a legislative environmental impact statement.

§ 1508.18 Major Federal action.

"Major Federal action" includes actions with effects that may be major and which are potentially subject to Federal control and responsibility. Major reinforces but does not have a meaning independent of significantly (§ 1508.27). Actions include the circumstance where the responsible officials fail to act and that failure to act is reviewable by courts or administrative tribunals under the Administrative Procedure Act or other applicable law as agency action.

(a) Actions include new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies; new or revised agency rules, regulations, plans, policies, or procedures; and legislative proposals (§§ 1506.8, 1508.17). Actions do not include funding assistance solely in the form of general revenue sharing funds, distributed under the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 et seq., with no Federal agency control over the subsequent use of such funds. Actions do not include bringing judicial or administrative civil or criminal enforcement actions.

(b) Federal actions tend to fall within one of the following categories:

(1) Adoption of official policy, such as rules, regulations, and interpretations adopted pursuant to the Administrative Procedure Act, 5 U.S.C. 551 et seq.; treaties and international conventions or agreements; formal documents establishing an agency's policies which will result in or substantially alter agency programs.

(2) Adoption of formal plans, such as official documents prepared or approved by federal agencies which guide or prescribe alternative uses of federal resources, upon which future agency actions will be based.

(3) Adoption of programs, such as a group of concerted actions to implement a specific policy or plan; systematic and connected agency decisions allocating agency resources to implement a specific statutory program or executive directive.

(4) Approval of specific projects, such as construction or management activities located in a defined geographic area. Projects include actions approved by permit or other regulatory decision as well as federal and federally assisted activities.

§ 1508.19 Matter.

"Matter" includes for purposes of Part 1504:

(a) With respect to the Environmental Protection Agency, any proposed legislation, project, action or regulation as those terms are used in Section 309(a) of the Clean Air Act (42 U.S.C. 7609).

(b) With respect to all other agencies, any proposed major federal action to which section 102(2)(C) of NEPA applies.

§ 1508.20 Mitigation.

"Mitigation" includes:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments.

§ 1508.21 NEPA process.

"NEPA process" means all measures necessary for compliance with the requirements of Section 2 and Title I of NEPA.

§ 1508.22 Notice of intent.

"Notice of Intent" means a notice that an environmental impact statement will be prepared and considered. The notice shall briefly:

(a) Describe the proposed action and possible alternatives.

(b) Describe the agency's proposed scoping process including whether, when, and where any scoping meeting will be held.

(c) State the name and address of a person within the agency who can answer questions about the proposed action and the environmental impact statement.

§ 1508.23 Proposal.

"Proposal" exists at that stage in the development of an action when an agency subject to the Act has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated. Preparation of an environmental impact statement on a proposal should be timed (§ 1502.5) so that the final statement may be completed in time for the statement to be included in any recommendation or report on the proposal. A proposal may exist in fact as well aa by agency declaration that one exists.

§ 1508.24 Referring agency.

"Referring agency" means the federal agency which has referred any matter to the Council after a determination that the matter is unsatisfactory from the standpoint of public health or welfare or environmental quality.

§ 1508.25 Scope.

Scope consists of the range of actions, alternatives, and impacts to be considered in an environmental impact statement. The scope of an individual statement may depend on its relationships to other statements (§§1502.20 and 1508.28). To determine the scope of environmental impact statements, agencies shall consider 3 types of actions, 3 types of alternatives, and 3 types of impacts. They include:

(a) Actions (other than unconnected single actions) which may be:

(1) Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they:

(i) Automatically trigger other actions which may require environmental impact statements.

(ii) Cannot or will not proceed unless other actions are taken previously or simultaneously.

(iii) Are interdependent parts of a larger action and depend on the larger action for their justification.

(2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.

(3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequencies together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.

(b) Alternatives, which include: (1) No action alternative. (2) Other reasonable courses of actions. (3) Mitigation measures (not in the proposed action).

(c) Impacts, which may be: (1) Direct. (2) Indirect. (3) Cumulative.

§ 1508.26 Special expertise.

"Special expertise" means statutory responsibility, agency mission, or related program experience.

§ 1508.27 Significantly.

"Significantly" as used in NEPA requires considerations of both context and intensity:

(a) *Context.* This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significant varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

(b) *Intensity.* This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

(1) Impacts that may be both beneficial and adverse. A significant effect

may exist even if the Federal agency believes that on balance the effect will be beneficial.

(2) The degree to which the proposed action affects public health or safety.

(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

§ 1508.28 Tiering.

"Tiering" refers to the coverage of general matters in broader environmental impact statements (such as national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basinwide program statements or ultimately site-specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared. Tiering is appropriate when the sequence of statements or analyses is:

(a) From a program, plan, or policy environmental impact statement to a program, plan, or policy statement or analysis of lesser scope or to a site-specific statement or analysis.

(b) From an environmental impact statement on a specific action at an early stage (such as need and site selection) to a supplement (which is preferred) or a subsequent statement or analysis at a later stage (such as environmental mitigation). Tiering in such cases is appropriate when it helps the lead agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.

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STATE	COUNTY	STATUS	STATEMENT TITLE	ACCESSION NUMBER	DATE FILED	ORIG AGENCY NUMBER
		DRAFT	Butterfish Fishery, Northwest Atlantic, FMP	80967	09-01-78	DOC
		DRAFT	Squid Fishery, Northwest Atlantic, FMP	80968	09-01-78	DOC
		DRAFT	Alaska Coast High Seas Salmon Fishery, FMP	80969	09-01-78	DOC
		FINAL	Rural Clean Water Program	80981	09-06-78	USDA
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		FINAL	High Seas Fisheries, North Pacific, Renegotiation	81021	09-20-78	STAT
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	Monroe	FINAL	Cement Plant and Limestone Quarry, Permit	80972	09-01-78	EPA
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Arkansas	Several	FINAL	Ozark N.F. Timber Plan	81010	09-18-78	USDA
California	Alameda	DRAFT	Lawrence Livermore and Sandia Laboratories	81018	09-19-78	DOE
		FINAL	I-980/CA-17 Corridor Development, Oakland	80990	09-11-78	DOT
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	Denver	FINAL	South Santa Fe Drive, Florida-Church, Denver	81019	09-20-78	DOT
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	Ray	SUPPLE	Trimble Wildlife Area-Replacement, Smithville Lake	81043	09-26-78	COE
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STATE	COUNTY	STATUS	STATEMENT TITLE	ACCESSION NUMBER	DATE FILED	ORIG AGENCY NUMBER
New Jersey		FINAL	OCS Oil and Gas Sale #49, Mid-Atlantic States	81053	09-29-78	DOI
	Bordentown	DRAFT	Bulk Chemical Storage & Distribution, Bordentown	80998	09-13-78	DHBC
	Middlesex	DRAFT	Green Brook Basin, Flood Control Project	81012	09-18-78	COE
	Union	DRAFT	Green Brook Basin, Flood Control Project	81012	09-18-78	COE
New Mexico		FINAL	Upper Gila-San Simon Livestock Grazing	81055	09-29-78	DOI
	Bernalillo	DRAFT	Westgate Heights Subdivision, Albuquerque	80980	09-06-78	HUD
	McKinley	DRAFT	Star Lake, Eisti Regional Coal, Right-of-way	81054	09-29-78	DOI
	San Juan	DRAFT	Star Lake, Eisti Regional Coal, Right-of-way	81054	09-29-78	DOI
New York	Suffolk	FINAL	Proton-Proton Storage Accelerator Facility	81000	09-14-78	DOE
North Carolina	Person	FINAL	Mayo Electric Generating Plant, Permit	81008	09-15-78	COE
North Dakota		DRAFT	230-KV Electrical Transmission Line, Miles City	80983	09-06-78	DOE
Oklahoma	Sequoyah	DRAFT	Paw-Paw Bottoms RC&D Measure Plan	81004	09-14-78	USDA
Oregon		DRAFT	BPA Fiscal Year 1980 Program	81045	09-27-78	DOE
	Grant	DRAFT	Desolation Land Management Plan, Umatilla NF	81036	09-25-78	USDA
	Klamath	FINAL	Klamath Basin Working Circle, Timber Plan	81016	09-19-78	USDA
	Lake	FINAL	Klamath Basin Working Circle, Timber Plan	81016	09-19-78	USDA
	Umatilla	DRAFT	Desolation Land Management Plan, Umatilla NF	81036	09-25-78	USDA
	Union	DRAFT	Desolation Land Management Plan, Umatilla NF	81036	09-25-78	USDA
Pennsylvania	Dauphin	SUPPLE	Flood Control Improvements, South Harrisburg	80965	09-01-78	COE
South Dakota		DRAFT	230-KV Electrical Transmission Line, Miles City	80983	09-06-78	DOE
Tennessee	Putnam	FINAL	TN-111, Appalachian Development Highway "J"	80996	09-12-78	DOT

COUNCIL ON ENVIRONMENTAL QUALITY

STATEMENT TITLE INDEX - BY STATE AND COUNTY

STATE	COUNTY	STATUS	STATEMENT TITLE	ACCESSION NUMBER	DATE FILED	ORIG AGENCY NUMBER
Tennessee	White	FINAL	TN-111, Appalachian Development Highway "J"	80996	09-12-78	DOT
Texas	Bell	DRAFT	East Temple Residential Project	80982	09-06-78	HUD
	Fort Bend	FINAL	Cornerstones Subdivision	81014	09-19-78	HUD
	Galveston	FINAL	Texas City Channel, Galveston	80976	09-01-78	COE
	Harris	DRAFT	Three Lakes Subdivision	80979	09-05-78	HUD
		FINAL	Cornerstones Subdivision	81014	09-19-78	HUD
	Hudspeth	DRAFT	Rio Grande Ecundary Preservation	81048	09-28-78	STA?
	Presido	DRAFT	Rio Grande Ecundary Preservation	81048	09-28-78	STA?
	Tarrant	FINAL	Woodbridge Subdivision, Bedford	81015	09-19-78	HUD
Utah	Box Elder	FINAL	I-15, Through Bear River Valley	81039	09-25-78	DOT
	Duchesne	DRAFT	High Uintas Scuth Slope Land Management, Ashley NF	80991	09-11-78	USDA
	Lincoln	DRAFT	Greys-Salt River Planning Unit, Bridger-Teton NF	80973	09-01-78	USDA
	Uintah	DRAFT	High Uintas Scuth Slope Land Management, Ashley NF	80991	09-11-78	USDA
	Wasatch	DRAFT	High Uintas Scuth Slope Land Management, Ashley NF	80991	09-11-78	USDA
	Washington	FINAL	Hot Desert Grazing Management Plan, Dixie Resource	81046	09-27-78	DOI
Virginia		SUPPLE	Southern Branch of the Elizabeth River (S-1)	81005	09-14-78	COE
		SUPPLE	Portsmouth Refinery and Terminal, Permit	81031	09-22-78	COE
	Richmond	FINAL	V.A. Replacement Hospital, Richmond	81001	09-14-78	VA
Washington	King	DRAFT	Alderbrook Estates, Master Plan	81041	09-26-78	HUD
	Lewis	DRAFT	Cowlitz Planning Unit, Gifford Pinchot NF	80970	09-01-78	USDA
	Okanogan	FINAL	Urban Levee Improvement, Oroville	81024	09-21-78	COE
	Pierce	DRAFT	Cowlitz Planning Unit, Gifford Pinchot NF	80970	09-01-78	USDA
	Snohomish	FINAL	Lynwood Wastewater Treatment Facilities	81009	09-18-78	EPA
Wyoming	several	FINAL	Sandy Area Livestock Grazing Management	81050	09-28-78	DOI
	Carbon	SUPPLE	Huston Park Land Management Plan, Medicine Bow NF	80974	09-01-78	USDA
	Lincoln	FINAL	Development of Coal Resources Southwestern Wyoming	80964	09-01-78	DOI
	Sweetwater	FINAL	Development of Coal Resources Southwestern Wyoming	80964	09-01-78	DOI
	Unita	FINAL	Development of Coal Resources Southwestern Wyoming	80964	09-01-78	DOI

SEPTEMBER 1978

COUNCIL ON ENVIRONMENTAL QUALITY

STATEMENT TITLE INDEX - BY AGENCY, BUREAU, & STATUS

AGENCY / BUREAU	STATUS	STATEMENT TITLE	ACCESSION NUMBER	DATE FILED	NTIS ORDER NUMBER
DELAWARE RIVER BASIN COMMISSION					
	DRAFT	Bulk Chemical Storage & Distribution, Bordentown	80998	09-13-78	(none)
DEPARTMENT OF AGRICULTURE					
Forest Service					
	DRAFT	Cowlitz Planning Unit, Gifford Pinchot NF	80970	09-01-78	(none)
		Greys-Salt River Planning Unit, Bridger-Teton NF	80973	09-01-78	(none)
		High Uintas South Slope Land Management, Ashley NF	80991	09-11-78	(none)
		Zeigler Planning Unit, Kootenai NF	80995	09-12-78	(none)
		Paw-Paw Cottons RC&D Measure Plan	81004	09-14-78	(none)
		Desolation Land Management Plan, Umatilla NF	81036	09-25-78	(none)
	FINAL	Ozark N.F. Timber Plan	81010	09-18-78	(none)
		Klamath Basin Working Circle, Timber Plan	81016	09-19-78	(none)
		Trabuco Unit Plan, Cleveland N.F.	81037	09-25-78	(none)
		Great Bear Wilderness Proposal	81042	09-26-78	(none)
	SUPPLEM	Huston Park Land Management Plan, Medicine Bow NF	80974	09-01-78	(none)
Rural Electrification Administration					
	DRAFT	Cajun Electric Coal-Fired Power Plant	80987	09-08-78	(none)
Soil Conservation Service					
	DRAFT	Baker River Watershed, South Branch	81020	09-20-78	(none)
		San Miguelito Subwatershed, Santa Ynez River	81035	09-22-78	(none)
	FINAL	Rural Clean Water Program	80981	09-06-78	(none)
DEPARTMENT OF COMMERCE					
Nat'l Oceanic and Atmospheric Admin.					
	DRAFT	Groundfish Fishery, Bearing Sea/Aleutian Island FM	80966	09-01-78	(none)
		Butterfish Fishery, Northwest Atlantic, FMP	80967	09-01-78	(none)
		Squid Fishery, Northwest Atlantic, FMP	80968	09-01-78	(none)
		Alaska Coast High Seas Salmon Fishery, FMP	80969	09-01-78	(none)
	FINAL	Fishery Management Plan, Atlantic Herring Fishery	81013	09-19-78	(none)
DEPARTMENT OF DEFENSE					
DEPARTMENT OF DEFENSE, Air Force					
	FINAL	Joint Readiness Exercise 'Gallant Eagle 79"	80963	09-01-78	tactics,
DEPARTMENT OF DEFENSE, Army					
	DRAFT	Fort Irwin National Training Center	81023	09-21-78	(none)
	SUPPLEM	Disposal of Chemical Agent Identification Sets, Ro	81040	09-25-78	(none)

COUNCIL ON ENVIRONMENTAL QUALITY

STATEMENT TITLE INDEX - BY AGENCY, BUREAU, & STATUS

AGENCY / BUREAU	STATUS	STATEMENT TITLE	ACCESSION NUMBER	DATE FILED	NTIS ORDER NUMBER
DEPARTMENT OF ENERGY					
	DRAFT	230-KV Electrical Transmission Line, Miles City	80583	09-06-78	(none)
		500kV Transmission Line, Minnesota to Canada	80984	09-11-78	(none)
		Lawrence Livermore and Sandia Laboratories	81018	09-19-78	(none)
	FINAL	Coal Loan Guarantee Program	80962	09-11-78	(none)
		Proton-Proton Storage Accelerator Facility	81000	09-14-78	(none)
Bonneville Power Administration					
	DRAFT	BPA Fiscal Year 1980 Program	81045	09-27-78	(none)
DEPARTMENT OF HUD					
	DRAFT	East Temple Residential Project	80982	09-06-78	(none)
		Three Lakes Subdivision	80979	09-05-78	(none)
		Westgate Heights Subdivision, Albuquerque	80980	09-06-78	(none)
		Maryvale Terrace, Phoenix	81006	09-15-78	(none)
		Village Park, Waipahu, Oahu Island	81027	09-21-78	(none)
		Alderbrook Estates, Master Plan	81041	09-26-78	(none)
	FINAL	Cornerstones Subdivision	81014	09-19-78	(none)
		Woodbridge Subdivision, Bedford	81015	09-19-78	(none)
Section 104(h)					
	DRAFT	Citron-Date Housing Project, McCully	80978	09-05-78	(none)
		Port/Marina Development Project, Richmond	80984	09-06-78	(none)
		Central Business Redevelopment, Los Angeles	81028	09-22-78	(none)
		Pico-Union Redevelopment, Los Angeles	81029	09-22-78	(none)
		North Hollywood Redevelopment Project	81052	09-29-78	(none)
	FINAL	Lovick-Trussville Water Project	81044	09-26-78	(none)
DEPARTMENT OF INTERIOR					
Bureau of Land Management					
	DRAFT	OCS Sale No. 48, Offshore Southern California	80975	09-01-78	(none)
		OCS Lease Sale 58, Western and Central Gulf	81022	09-20-78	(none)
		Star Lake, Eisti Regional Coal, Right-of-way	81054	09-29-78	(none)
	FINAL	Development of Coal Resources Southwestern Wyoming	80964	09-01-78	(none)
		Cerbat/Black Mountain Livestock Grazing Program	81026	09-21-78	92178
		Hot Desert Grazing Management Plan, Dixie Resource	81046	09-27-78	(none)
		Sandy Area Livestock Grazing Management	81050	09-28-78	(none)
		OCS Oil and Gas Sale #49, Mid-Atlantic States	81053	09-29-78	(none)
		Upper Gila-San Simon Livestock Grazing	81055	09-29-78	(none)
Bureau of Reclamation					
	SUPPLEM	North Loup/Pick-Sloan, Missouri River Basin	81032	09-22-78	(none)
National Park Service					
	DRAFT	West Potomac Park and FDR Memorial	81007	09-18-78	(none)
		Yosemite National Park, General Management Plan	81025	09-21-78	(none)

COUNCIL ON ENVIRONMENTAL QUALITY

STATEMENT TITLE INDEX - BY AGENCY, BUREAU, & STATUS

AGENCY / BUREAU	STATUS	STATEMENT TITLE	ACCESSION NUMBER	DATE FILED	NTIS ORDER NUMBER
DEPARTMENT OF TRANSPORTATION					
Federal Highway Administration					
	DRAFT	Extension of Industries Road, Richmond	80999	09-13-78	(none)
		Saginaw River Bridge Study, Bay City	81038	09-25-78	(none)
	FINAL	FAP Route 409, O'Fallon to Sandoval	80971	09-01-78	(none)
		U.S. 30 and Nebraska Highway Improvements	80989	09-11-78	(none)
		I-980/CA-17 Corridor Development, Oakland	80990	09-11-78	(none)
		TN-111, Appalachian Development Highway "J"	80996	09-12-78	(none)
		South Santa Fe Drive, Florida-Church, Denver	81019	09-20-78	(none)
		Main Street/Penn. Central RR-Grade Separation	81034	09-22-78	(None)
		I-15, Through Bear River Valley	81039	09-25-78	(none)
ENVIRONMENTAL PROTECTION AGENCY					
EPA, HEADQUARTERS					
	FINAL	Dibromochloropropane, Registration Cancelation	80997	09-08-78	(none)
EPA, REGION 1					
	DRAFT	Boston Metro Area Sewerage System, Upgrading	81030	09-22-78	(none)
	SUPPLEMENT	WWT and Collection Facilities, Tisbury, Oak Bluffs	80993	09-08-78	(none)
EPA, REGION 10					
	FINAL	Lynwood Wastewater Treatment Facilities	81009	09-18-78	(none)
EPA, REGION 4					
	FINAL	Cement Plant and Limestone Quarry, Permit	80972	09-01-78	(none)
		Swift Creek Chemical Complex, NPDES Permit	80992	09-11-78	(none)
EPA, REGION 7					
	FINAL	Ottumwa Generating Station, NPDES Permit	80977	09-05-78	(none)
GENERAL SERVICES ADMINISTRATION					
	DRAFT	Federal Building, Parking, Vehicle Maint., Omaha	81049	09-28-78	(none)
	FINAL	U.S. Federal Courthouse Annex, Detroit	81003	09-14-78	(none)
		Leasehold 1900 Half Street SW, Buzzards Point	81056	09-29-78	(none)
STATE DEPARTMENT					
	DRAFT	Rio Grande Boundary Preservation	81048	09-28-78	(none)
	FINAL	High Seas Fisheries, North Pacific, Renegotiation	81021	09-20-78	(none)
U.S. ARMY CORPS OF ENGINEERS					
	DRAFT	Green Brook Basin, Flood Control Project	81012	09-18-78	(none)
	FINAL	Texas City Channel, Galveston	80976	09-01-78	(none)

COUNCIL ON ENVIRONMENTAL QUALITY

STATEMENT TITLE INDEX - BY AGENCY, BUREAU, & STATUS

AGENCY / BUREAU	STATUS	STATEMENT TITLE	ACCESSION NUMBER	DATE FILED	NTIS ORDER NUMBER
U.S. ARMY CORPS OF ENGINEERS					
	FINAL	Mayo Electric Generating Plant, Permit	81008	09-15-78	(none)
		Urban Levee Improvement, Oroville	81024	09-21-78	(none)
	SUPPLEM	Flood Control Improvements, South Harrisburg	80965	09-01-78	(none)
		Kings Island Turning Basin, Enlargement	80994	09-12-78	EIS/SAV-GA
		Southern Branch of the Elizabeth River (S-1)	81005	09-14-78	(none)
		Portsmouth Refinery and Terminal, Permit	81031	09-22-78	(none)
		Lucky Peak Dam Modification, Boise River	81033	09-22-78	(none)
		Trimble Wildlife Area-Replacement, Smithville Lake	81043	09-26-78	(none)
VETERANS ADMINISTRATION					
	FINAL	V.A. Replacement Hospital, Richmond	81001	09-14-78	(none)

SEPTEMBER 1978

ENVIRONMENTAL PROTECTION AGENCY

102 STATEMENT SUMMARY

AGENCY	DRAFT 102'S (NO FINAL)	FINAL 102'S	SUPPLEMENTS	TOTAL
DELAWARE RIVER BASIN COMMISSION	1	0	0	1
DEPARTMENT OF AGRICULTURE	9	5	1	15
DEPARTMENT OF COMMERCE	4	1	0	5
DEPARTMENT OF DEFENSE	1	1	1	3
DEPARTMENT OF ENERGY	4	2	0	6
DEPARTMENT OF HUD	10	3	0	14
DEPARTMENT OF INTERIOR	5	6	1	12
DEPARTMENT OF TRANSPORTATION	2	7	0	9
ENVIRONMENTAL PROTECTION AGENCY	1	5	1	7
GENERAL SERVICES ADMINISTRATION	1	2	0	3
STATE DEPARTMENT	1	1	0	2
U.S. ARMY CORPS OF ENGINEERS	1	3	6	10
VETERANS ADMINISTRATION	0	1	0	1
TOTALS	41	37	10	88

U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash
Office of Environmental Policy Department
Attn: DAEN-CWR-P
Office of the Chief of Engineers
U.S. Army Corps of Engineers
1000 Independence Avenue, S.W.
Washington, D.C. 20314
(202) 693-6795

Draft — Date

Green Brook Basin, Flood Control Project — 09/18

New Jersey
County: Union Middlesex
Proposed is a flood protection plan for the Green Brook Basin which will affect waters in Union and Middlesex Counties, New Jersey. The project consists of levees, floodwalls, channel modifications, concrete flumes and dry detention reservoirs. A 55-foot high dry detention dam would be located on Blue Brook and a trapezoidal rip-rapped channel would be constructed to convey water through the Plainfields. Levees and floodwalls would be installed on Green, Bound, Bonygutt, Stoney, and Middle Brooks and the Raritan River.
(New York District)
(EPA ORDER # 81012)

Final — Date

Mayo Electric Generating Plant, Permit — 09/15

North Carolina
County: Person
The proposed action is the application by Carolina Power and Light Company for a permit to discharge fill materials into waters of the United States in connection with the proposed 1440 megawatt Mayo Electric Generating Plant, located in Person County, North Carolina. The actions include: 1) construction of a main reservoir dam and ash pond dam covering approximately 2,800 acres; 2) discharge of ash into waters behind the ash pond dam; and, 3) relocation of a road.
(Wilmington District)
COMMENTS MADE BY: DOI DOC EPA
State and Local Agencies
Groups and Individuals
(EPA ORDER # 81008)

Final **Texas City Channel, Galveston** **09/01**
Texas
County: Galveston
The proposed action consists of widening of the existing main turning basin, relocation of the basin 85 feet to the east, deepening and widening the Industrial Canal, deepening of the turning basin at the head of the center of the Industrial Canal to 40 feet, and easing of the bend at the entrance to the Industrial Canal. All dredging will be accomplished by hydraulic pipeline dredge with dredged material disposal on Snake Island and in adjacent areas of Galveston Bay. Adverse effects include destruction or disturbance of some fish and bottom dwelling organisms, temporary increases in turbidity, and resuspension of toxic materials in the vicinity of the dredge. (Galveston)
COMMENTS MADE BY: DOI DOC EPA CGD
State and Local Agencies
(EPA ORDER # 80976)

Urban Levee Improvement, Oroville 09/21

Washington
County: Okanogan
Proposed is the improvement to an existing levee system located in Okanogan County, Washington. The plan includes a total of 9,300 feet of embankment to be constructed on the left bank of the Similkameen River at Oroville. The project would provide protection from floods having a 1 percent chance of occurring in any one year. The levee alignment would follow the river shoreline along approximately 4,000 feet to the river edge and provide 100-year flood protection to 175 acres of land in south Oroville.
(Seattle District)
COMMENTS MADE BY: DOI DOC USDA COE DOE ABE EPA HEW
State and Local Agencies
(EPA ORDER # 81024)

Final Supplement **Date**

Kings Island Turning Basin, Enlargement 09/12

Georgia
County: Chatham
This statement supplements a Final EIS filed in June, 1976 to consider alternate sites for the expansion of Kings Island Turning Basin located in the Savannah Harbor, Chatham County, Georgia. The studies presented in the report are limited to reaffirming or modifying the authorized improvement of enlarging the Basin. There are four alternate sites being considered.
(Savannah District)
(EPA ORDER # 80994)

Final Supplement
Portsmouth Refinery and Terminal, Permit 09/22

Virginia
This proposal concerns the Lampton Roads Energy Company's (HERCO) application for COE permit approval to construct an oil refinery complex on the west bank of the Elizabeth River in Portsmouth, Virginia. This work includes: 1) construction of a marine terminal, 2) dredging of tanker and barge mooring areas and access channels, and 3) installation of an oil spill containment system. The purpose of this statement is to consider additional refinery capacity on the eastern seaboard and alternative sites.
(Norfolk District)
(EPA ORDER # 81031)

Southern Branch of the Elizabeth River (S-1) 09/14

Virginia
This supplement together with the FEIS, provides an up-to-date document for addressing environmental aspects of the Southern Branch project. Points for clarification include discussion of wetland alterations, siting of disposal areas and their maintenance, effect of the project on water quality and salinity distribution in the Southern Branch, and the cumulative effect of the project and associated development on the Elizabeth River System.
(Norfolk District)
(EPA ORDER # 81005)

Draft Supplement
Lucky Peak Dam Modification, Boise River 09/22

Idaho
County: Boise
This statement supplements a draft EIS filed in November 1977. The proposed action is to add hydroelectric power production to the existing Lucky Peak Dam in Boise County, Idaho. This would involve the construction of a side tunnel from the existing outlet tunnel and the construction of a new powerhouse near the outlet. The powerhouse would contain five generating units having a total rated capacity of 75 megawatts. Seven alternatives are considered.
(Walla Walla District)
(EPA ORDER # 81033)

Final Supplement
Trimble Wildlife Area-Replacement, Smithville Lake 09/26

Missouri
County: Jackson Ray Clay
This statement is intended to replace a previous draft supplement filed with CEQ 14 April 1975. Proposed is authorization for acquisition of 2,610 acres of land in Jackson, Ray, and Clay Counties, Missouri, for basic replacement of Trimble Wildlife Area. Seven alternatives are considered which are: 1) no action, 2) direct purchase, 3) Camp Branch Site, 4) Edgartown Site, 5) New Point Site, 6) twenty-two other sites in western and northwestern Missouri, and 7) levee protection of existing Trimble Wildlife Area.
(Kansas District)
(EPA ORDER # 81043)

Draft Supplement
Flood Control Improvements, South Harrisburg 09/01

Pennsylvania
County: Dauphin
This statement supplements a draft EIS filed in August 1977 concerning flood protection for Paxton Creek and the Susquehanna River located in South Harrisburg, Dauphin County, Pennsylvania. Features of the proposed include: 1) a 12 foot high flood wall, 2) channel changes and construction of a detention reservoir on Asylum Run, and 3) sizing of Paxton Creek to accomodate the 100 year flood flow as modified by the detention reservoir. Recreational, fish and wildlife improvements are associated with the project.
(Baltimore District)
(EPA ORDER # 80965)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler
Assistant Secretary for Environmental Affairs
Environmental Affairs
Department of Commerce
Washington, D.C. 20230
(202) 377-4335

Nat'l Oceanic and Atmospheric Admin.

Draft — Date

Butterfish Fishery, Northwest Atlantic, FMP — 09/01

Proposed is a management plan for the Butterfish Fishery of the Northwestern Atlantic Ocean. It replaces the Preliminary Management Plan currently in effect. The objectives of the plan are to: 1) minimize cost of butterfish to consumers, 2) minimize costs of harvesting butterfish, 3) increase opportunities for commercial fishermen, 4) prevent exploitation of the resource beyond that level producing the maximum sustainable yield, 5) minimize costs of enforcement and management of the resource, and 6) maximize marine food resources.
(EPA ORDER # 80967)

Squid Fishery, Northwest Atlantic, FMP — 09/01

Proposed is a management plan for the Northwest Atlantic Squid. The following measures have been proposed: 1) define management unit as all Loligo and Illex under US jurisdiction 2) set 1979 optimum yield for Illex at 30,000 metric tons and Loligo at 44,000 metric tons, 3) require valid registration or permit of any owner or operator when catching, transporting or delivering squid for sale, 4) restricting foreign fishing to designated areas, 5) require appropriate gear restriction for foreign vessels, 6) require filing of periodic reports on squid catches, 7) incentive measures, and 8) annual reassessment of US harvesting capacity.
(EPA ORDER # 80968)

Alaska Coast High Seas Salmon Fishery, FMP — 09/01

The proposed action is to adopt and implement a fishery management plan for the High Seas Salmon Fishery off the Coast of Alaska East of 175 degrees East Longitude under provisions of Title III of the Fishery Conservation and Management Act of 1976. This act extends jurisdiction over fishery resources and establishes a program for their management. The purpose of the management plan is to manage ocean salmon resources off the coast of Alaska and the troll fishery on those resources.
(EPA ORDER # 80969)

Draft

Groundfish Fishery, Bering Sea/Aleutian Island FMP 09/01

Alaska
The proposed action is to adopt and implement a fishery management plan for the groundfish fishery for the Bering Sea/Aleutian Island Area under provisions of Title III of the Fishery Conservation and Management Act of 1976. This Act extends jurisdiction over fishery resources and establishes a program for their management. The purpose of the plan is to manage the groundfish fishery in the area for optimum yield, and to allocate harvest between domestic and foreign fishermen.
(EPA ORDER # 80966)

Final Date

Fishery Management Plan, Atlantic Herring Fishery 09/19

The proposed action is to adopt and implement a fishery management plan (FMP) for the adult Sea Herring fishery of the Northwest Atlantic under the provisions of the Fishery Conservation and Management Act of 1976. The herring management plan developed is based upon the migration and intermixing of three stocks of herring in the Fishery Conservation Zone of the United States. Those stocks are known as the Southwest Nova Scotia, Western Gulf of Maine, and Georges Bank-Southern New England stocks. The main objective of the herring management plan is to rebuild the smallest stock of the three, the Western Gulf of Maine stock which is at critically low levels.
COMMENTS MADE BY:
Local Agencies
Businesses and Individuals
(EPA ORDER # 81013)

DEPARTMENT OF DEFENSE, ARMY

Contact: Mr. George Q. Cunney, Jr.
Acting Chief, Environmental Office
Office of the Assistant Chief of Engineers
Department of the Army
Room 1E676, Pentagon
Washington, D.C. 20310
(202) 694-4269

Draft — Date

Fort Irwin National Training Center — 09/21

California
County: San Bernardino

Proposed is the establishment of a National Training Center at Fort Irwin located in the High Mojave Desert, San Bernardino County, California. The purpose is to provide stimulated full-scale combat situations to support the Army's combined arms tactical unit training and to integrate similar exercises with the Air Force, Navy, and Marine Corps. The proposed program would involve reopening post facilities with construction and rehabilitation proceeding operations. Fort Irwin was selected from eleven alternative sites.
(EPA ORDER # 81023)

Final Supplement — Date

Disposal of Chemical Agent Identification Sets — 09/25

Colorado
County: Adam

This statement supplements a final EIS issued during October 1977 concerning the relocation of 1,734 chemical agent identification sets from various military storage sites located throughout the country for disposal at the Rocky Mountain Arsenal in Adams County, Colorado. This supplement concerns the relocation of the remaining sets from 15 sites to the Arsenal for disposal. Procedures to be used will be the same as those discussed in the final statement which has been included as an attachment to the supplement.
(EPA ORDER # 81040)

DEPARTMENT OF DEFENSE, AIR FORCE

Contact: Col. Luis F. Dominguez
Department of the Air Force
Room 5D 431, Pentagon
Washington, D.C. 20330
(202) 697-7799

Final

Date

Joint Readiness Exercise 'Gallant Eagle 79' 09/01

Florida
The proposed actons, directed by the Joint Chiefs and sponsored by the US Readiness Command is a large-scale, joint readiness exercise (JRX) scheduled to be conducted on and over the Eglin AFB, in Florida. The primary purpose of the project is to provide a simulated combat environment in which to exercise and evaluate the participating commanders, staffs and forces in joint service tactics, techniques, and procedures employed by rangers, infantry, unconventional warfare forces and armored forces operating in lightly forested terrain and by tactical air forces operating in a sophisticated air defense environment.
COMMENTS MADE BY: USDA COE NOAA DOI EPA ICC DOE
State and Local Agencies
(EPA ORDER # 80963)

DELAWARE RIVER BASIN COMMISSION

Contact: Mr. J. W. Thursby
Head, Environmental Unit
Delaware River Basin Commission
P.O. Box 7360
West Trenton, N. J. 08628

Draft | Date

Bulk Chemical Storage & Distribution, Bordentown | 09/13

New Jersey
County: Bordentown
Proposed, by the Dow Chemical Company, is the construction and operation of a bulk chemical storage terminal along the Delaware River in Bordertown Township, New Jersey. Construction would involve dredging 207,000 cubic yards of river sediment to provide access from the channel and to provide a berthing area. Dredge spoil disposal would be to riverine (8 acres) and upland areas. Ocean-going tankers (30 per year) up to 700 feet in length and smaller barges (24 per year) would service the facility. Adverse effects include the slight reduction of air quality around Bordentown Township, and elimination of present terrestrial habitat. (DRBC-EU-D-75-128)
(EPA CBDBB # 80998)

DEPARTMENT OF ENERGY

Contact: Mr. Robert Stern
Acting Director
Division of NEPA Affairs
Department of Energy
Federal Building, Room 7119
1200 Pennsylvania Avenue, N.W.
Washington D.C. 20461
(202) 566-9760

Draft — Date

Lawrence Livermore and Sandia Laboratories — 09/19

California
County: Alameda
Proposed is the Livermore Site Development Plan for the Lawrence Livermore Laboratory and the Sandia Laboratories Livermore (SLL) located in Alameda County, California. The plan provides a guide for the orderly development of the present facilities as growth is experienced and the replacement of temporary facilities with permanent ones. Thirteen buildings are proposed for construction in addition to consideration of a new northwestern entrance. Alternatives to the proposed plan include: 1) no action (shutdown and decommissioning), 2) total or partial plant relocation 3) scaling down of some operations and 4) wider use of alternate technologies. (DOE/EIS-0026-D)
(EPA ORDER # 81018)

500kV Transmission Line, Minnesota to Canada — 09/11

Minnesota
County: Several
Proposed is the construction and operation of a 500kV single circuit transmission line traveling from a substation near Forbes and through the Counties of Saint Louis, Itasca, Koochiching, Beltrami, and Lake of the Woods, Minnesota to a point on the US-Canadian border, approximately three miles west of Marvin Lake, Roseau County, Minnesota. This transmission facility would permit the sale of electrical energy between the Northern States Power Company, the Minnesota Power Company and the Canadian Manitoba Hydroelectric Board. (DOE/EIS-0032-D)
(EPA ORDER # 80268)

Draft 230-KV Electrical Transmission Line, Miles City 09/06

Montana North Dakota South Dakota
County: Several
Proposed is the construction of a 328-mile, 230-KV transmission line between Miles City and Baker, Montana, Hettinger, North Dakota, and New Underwood, South Dakota, in Custer and Fallon Counties in Montana, Adams, Bowman, and Slope Counties in North Dakota and Meade, Pennington, and Perkins Counties in South Dakota. Wood-pole, H-frame structures with three conductors and two overhead static wires are planned. Four alternatives are considered which include: 1) non-construction, 2) buried cable, 3) an alternate terminal point at the South Dakota end of line, and 4) other potential alternate routes.
(DOE/EIS-0025-D)
(EPA ORDER # 80983)

Final Date

Coal Loan Guarantee Program 09/11

National
Proposed is a coal loan guarantee program to encourage the production of low and high sulfur coal by small underground coal producers. A loan guarantee ceiling of 750 million dollars has been set, of which 80 percent of the loans for any given year are restricted to financing low sulfur coal production. The funds may be used by small underground operators to: 1) open new underground mines, and 2) expand or reopen existing facilities. The funds may also be used for facilities at the mine site such as coal production plants.
(DOE/EIS-0004)
COMMENTS MADE BY: EPA DOE
(EPA ORDER # 80962)

Proton-Proton Storage Accelerator Facility 09/14

New York
County: Suffolk
Proposed is the construction and operation of a Proton-Proton Storage Accelerator Facility (Isabelle), Brookhaven National Laboratory in Upton, Suffolk County, New York. The Isabelle accelerator will be used for advanced research in the high energy physics program by the Department of Energy and will provide higher levels of interaction than are presently available.
(DOE/EIS-0003)
COMMENTS MADE BY: DOT USDA HEW EPA FDA DOI NRC
State Agencies
(EPA ORDER # 81000)

Bonneville Power Administration

Draft | Date

BPA Fiscal Year 1980 Program | 09/27

Idaho Montana Oregon
County: Several

This statement includes the draft BPA Proposed 1980 Fiscal Year Program and draft Facility Planning Supplements which will involve the States of Idaho, Montana, Oregon, and Washington. The project will include: 1) approximately 180-210 miles of new transmission line, 2) four possible new substations and related structures, including power system control stations, 3) possible equipment additions to six existing substations, 4) maintenance of approximately 12,814 miles of existing transmission line, and 5) control of vegetation.
(EPA ORDER # 81045)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard
Director, Environmental Project Review
Room 4256 Interior Bldg.
Department of the Interior
Washington, D.C. 20240
(202) 343-3891

Bureau of Land Management

Draft	Date

OCS Sale No. 48, Offshore Southern California 09/01

California
County: Several
Proposed is the leasing action for 217 (1,141,818 acres) of OCS lands in southern California. The tracts are located in the following six general offshore areas: Santa Barbara, Channel, Santa Rosa, Santa Barbara Island, San Pedro Bay, Tanner-Cortes, Dana Point-San Diego. Five alternatives are considered which include: 1) hold the sale in modified form, 2) alternate development scenarios, 3) delay sale, 4) withdraw the sale, and 5) alternate local government stipulations. (DES 78-36)
(EPA ORDER # 80975)

OCS Lease Sale 58, Western and Central Gulf 09/20

Gulf of Mexico
County: Several
Proposed is the leasing of 110 tracts (532,885 acres) of of OCS lands in the Gulf of Mexico Offshore Texas, Louisiana, Mississippi and Alabama for the exploration and production of oil and gas. The tracts have water depths ranging from 4m to 801m and are a distance of 5km to 200km from the shore. Four alternatives are considered which include: 1) holding the sale in a modified form, 2) withdrawing the sale, and 3) delaying the sale. (DES 78-40)
(EPA ORDER # 81022)

Star Lake, Bisti Regional Coal, Right-of-way 09/29

New Mexico
County: McKinley San Juan
Proposed is the issuance of right-of-way for the construction and operation of a railroad and a high voltage transmission line to serve the coal mining in the Star Lake-Bisti region, McKinley and San Juan Counties, New Mexico. The applicants are: 1) Star Lake Railroad Company, and 2) the Public Service Company of New Mexico. No action and partial action are considered as alternatives. Also included is a full development scenario and a transportation alternative.
(DES-78-41)
(EPA ORDER # 81054)

Final — Date

Cerbat/Black Mountain Livestock Grazing Program — 09/21

Arizona
County: Mohave
The proposed action analyzes 26 allotment management plans which propose intensive grazing management for 1,445,652 acres of public land within the Cerbat and Black Mountain Planning Units within the Kingman Resource Area, Mohave County, Arizona. The proposed action includes: 1) intensive management of grazing on 1,416,628 acres of public lands, including 635,196 acres of ephemeral range and 70,793 acres of custodial range; 2) custodial management of grazing on 29,024 acres, and; 3) construction of range improvements.
(FES-78-21)
COMMENTS MADE BY: AHP USDA DOI EPA
State and Local Agencies
(EPA ORDER # 81026)

Upper Gila-San Simon Livestock Grazing — 09/29

Arizona New Mexico
This statement proposes to implement a livestock grazing management program based on multiple-use concepts. The grazing area is located in the States of Arizona and New Mexico and includes a total land area of 2,346,062 acres, which includes public, federal, state, and private lands. The grazing area will total 193 units and be used for livestock grazing with incorporation of various resource uses and minimal conflict.
(FES-78-25)
COMMENTS MADE BY: AHP DOI USDA COE
State and Local Agencies
Groups, Individuals and Businesses
(EPA ORDER # 81055)

OCS Oil and Gas Sale #49, Mid-Atlantic States — 09/29

New Jersey Delaware
The proposed action is the leasing of one hundred and thirty-six tracts, totaling 774,273 acres, of OCS lands off the coasts of New Jersey and Delaware in an area known as the Baltimore Canyon Through. The tracts vary from 50-100 miles off shore with depths from 115 to 4,100 feet. The proposal is to lease these tracts for exploration, development, and production of potential oil and gas resources. If implemented, this sale is tentatively scheduled to be held in Spring of 1979.
(FES-78-20)
COMMENTS MADE BY: DOI EPA USCG FERC COE DOC
State and Local Agencies
Groups and Businesses
(EPA ORDER # 81052)

Final — Date

Hot Desert Grazing Management Plan, Dixie Resource — 09/27

Utah
County: Washington
This statement concerns livestock grazing management plans on 529,564 acres of public land in the Dixie Resource Area, Washington County, Utah. The plan will involve 42 allotment plans, 14 custodial plans and 3 plans to eliminate grazing. Four basic systems are proposed which consist of: 1) a 1-year rest period on 401,271 acres; 2) delayed grazing on a portion of each allotment during the growing season; 3) delay of grazing until after the growing season; and 4) season long use primarily during the winter period. (DES-78-21)
COMMENTS MADE BY: DOI EPA
State and Local Agencies
(EPA ORDER # 31046)

Development of Coal Resources Southwestern Wyoming — 09/01

Wyoming
County: Lincoln Sweetwater Uinta
The proposed action involves the approval of five coal mining and reclamation plans on existing leases and the issuance of right-of-ways necessary to develop these five proposed coal mines. These five mines are North Block Mine, Twin Creek Mine, South Haystack Mine, Long Canyon Mine, and Black Butte Mine. Surface ownership on the five proposals include 32,068 acres of public land, 45,259 acres of private land and 4,207 acres of State land totaling 81,354 project acres containing 357 million tons of recoverable coal reserves. The geographic region consisting of 0.3 million acres, includes all of Uinta and portions of Lincoln and Sweetwater Counties, Wyoming. (FES-78-20)
COMMENTS MADE BY: AHP USDA DOC DOE DOI DOI EPA FERC
State and Local Agencies
(EPA ORDER # 30964)

Final

Sandy Area Livestock Grazing Management 09/28

Wyoming
County: several
This statement concerns a grazing management program for the Sandy area located in Sweetwater, Lincoln, Sublette and Freemont Counties, Wyoming. The project proposes management of grazing on approximately 1,997,330 acres and no grazing on 970 acres. The plan will involve 16 allotment plans (AMP's) and 33 custodial pastures employing a variety of grazing/rest rotation plans. The action will also provide for, within the AMPs, seasonal use, proper grazing, allowance of Animal Unit Months (AUMs) available, boundaries, grazing land treatment, and conversion of livestock qualification in AUMs.
(FES-78-22)
COMMENTS MADE BY: AHP DOI EPA USDA
State and Local Agencies
Groups, Individuals and Businesses
(EPA ORDER # 81050)

Bureau of Reclamation

Draft Supplement Date

North Loup/Pick-Sloan, Missouri River Basin 09/22

Nebraska
County: Several
This statement supplements a final EIS filed in September 1972. Proposed is an irrigation system for the North Loup Division of the Pick-Sloan Missouri Basin Program located in Loup, Garfield, Valley, Greely, Howard and Nance Counties, Nebraska. This statement provides additional information regarding surface and groundwater quality, geological stability of damsites, sedimentation upstream of reservoir sites, flora and fauna of reservoir sites and a research alternative to project irrigation development.
(DES-78-39)
(EPA ORDER # 81032)

National Park Service

Draft — Date

Yosemite National Park, General Management Plan — 09/21

California
County: Tuolumne Mariposa Madera
This action involves a general management plan for Yosemite National Park, within Tuolumne, Mariposa, and Madera Counties, California, to guide overall park management and development for approximately 15 years, including specific development concept plans for all developed areas inside the park, proposed additions to the wilderness recommendation for the park and minor boundary adjustments. There are two purposes for the Yosemite National Park. The first is preservation of the resources that contribute to Yosemite's uniqueness and attractiveness. The second is to make the varied resources of Yosemite available to people for their individual enjoyment, education, and recreation. (DES 78-38)
(EPA ORDER # 81025)

West Potomac Park and FDR Memorial — 09/18

District of Co
Proposed is the planning, design and construction of the Franklin Delano Roosevelt Memorial, rehabilitation of West Potomac Park south of the reflecting pool to include provision of Tourmobile service, parking for visitors cars and for tour buses between the 14th Street Bridges off Ohio Drive and relocation of all sports facilities. The proposed memorial will have to be approved by the President and the Congress. The project is located in the District of Columbia and will be completed in approximately five years.
(DES-78-37)
(EPA ORDER # 81007)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director
Office of Environmental Affairs
U.S. Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
(202) 426-4357

Federal Highway Administration

Draft — Date

Extension of Industries Road, Richmond — 09/13

Indiana
County: Wayne
Proposed is the development of a continuous east-west arterial across the north edge of Richmond in Wayne County, Indiana. The partially access controlled roadway will include 2-lane pavements 24 feet wide with a 16 foot median, and a 90 foot right-of-way typically with as much as 300 feet in areas of cut or fill. The project extends from Chester Boulevard on the east to Salisbury on the west. The three principle study lines being evaluated range in length from approximately 2.74 miles to 2.93 miles.
(FHWA-IND-EIS-78-02-D)
(EPA ORDER # 80999)

Saginaw River Bridge Study, Bay City — 09/25

Michigan
County: Bay
Proposed is the construction of a new bridge across the Saginaw River in Bay City, Bay County, Michigan. The improvements range from functional replacement of the old two-lane bridge at Third Street to the construction of either a two-lane or four-lane bridge at a new location. Relocation facilities include necessary bridge approaches and the construction of an arterial at-grade type facility from both the west and east bridge approaches. The total length of the project is approximately two miles and will require some new right-of-way.
(FHWA-MI-EIS-78-03-D)
(EPA ORDER # 81038)

Final — Date

I-980/CA-17 Corridor Development, Oakland — 09/11

California
County: Alameda
Proposed is the construction of an improved highway facility connecting the existing terminus of I-980(24) and Route 17 in the City of Oakland, California. The project is designated as Interstate 980, and will extend

for a distance of 0.75 mile. Subject to the alternate selected, approximately 23 acres of land will be irreversibly devoted to highway use. Adverse effects include the relocation of 4 churches and 22 businesses, and the disturbance of 503 housing units. (Region 9)
COMMENTS MADE BY: EPA HEW DOT DOI USDA COE AHP
(EPA ORDER # 80990)

Final

South Santa Fe Drive, Florida-Church, Denver 09/20

Colorado
County: Arapahoe Denver
The proposed project consists of the widening of South Santa Fe Drive to a six lane arterial for approximately 5.5 miles. The project would begin at Florida Avenue in the City and County of Denver and terminate at Church Street in Arapahoe County. A left turn lane would be provided throughout the length of the project and sidewalks, curb, and gutter would be provided for a majority of its length. Adverse effects include the displacement of 372 housing units. A 4(f) statement is included concerning Overland Park. (Region 8)
(FHWA-CO-EIS-77-01-F)
COMMENTS MADE BY: DOT USDA DOI EPA HEW HUD
State and Local Agencies
(EPA ORDER # 81019)

FAP Route 409, O'Fallon to Sandoval 09/01

Illinois
County: St. Clair Clinton Marion
Proposed is the completion of a freeway system known as I-409, which begins at I-64 near O'Fallon, generally parallels US Route 50 across the state, and connects to an already existing freeway in Indiana near Vincennes. It intersects with I-64 on the west, I-57 in the middle, and I-411 near the eastern border of the state. Between I-64 and I-57, the portion from US Route 51 to I-57 has received Design Approval. This statement covers the remaining portion in this area, that being from I-64 to US Route 51.
(FHWA-ILL-EIS-76-05-F)
COMMENTS MADE BY: HUD DOI EPA USDA COE ICC FPC AHP DOT
HEW State and Local Agencies
(EPA ORDER # 80971)

Main Street/Penn. Central RR-Grade Separation 09/22

Indiana
County: Elkhart
Proposed is the construction of a grade separation in the vicinity of the Main Street (S.R. 15) crossing with the Penn Central Railroad north of the Central Business District of the city of Goshen, Indiana. Consideration has been given to two alternate locations for the proposed

Final

separation: the Third Street overpass, and the Main Street overpass. For each of the locations the typical cross section is the same for the elevated portions of the improvement, consisting of four lanes separated by a four foot median with sidewalks provided on each side.
(FHWA-IND-EIS-77-06-F)
COMMENTS MADE BY: DOI USDA EPA FAA DOT
State Agencies
(EPA ORDER # 81034)

U.S. 30 and Nebraska Highway Improvements 09/11

Nebraska
County: Schuyler Colfax
This statement discusses three proposed FHWA projects which represent improvements to U.S. Highway 30 and Nebraska Highway 15 in the Schuyler, Colfax County, Nebraska area. BR-15-3(103)119 extends south from 11th and Colfax a distance of 1.7 miles on Nebraska Hwy. 15. BR-FG-3(102)119 represents a new four lane divided viaduct over the Union Pacific Tracks on Nebraska Hwy. 15 from 11th to 16th Streets in Schuyler. BR-15-3(101)119 would improve U.S. 30 from Denver St. east to B Street and also Nebraska Hwy. 15 from the intersection with U.S. 30 north to 17th St. A 4(f) statement is included. (Region 7)
(FHWA-NEBR-EIS-76-05-F)
COMMENTS MADE BY: USDA DOI EPA
State Agencies
(EPA ORDER # 80989)

TN-111, Appalachian Development Highway 'J' 09/12

Tennessee
County: White Putnam
The proposed highway improvement involves the reconstruction of State Route 42 (to be redesignated S.R. 111), which is a section of the Appalachian Development Highway Corridor 'J', in White and Putnam Counties. Adverse effects include displacement of residences, reduction of productive agricultural acreage, loss of wildlife habitat, temporary siltation of two streams, increased noise levels and air pollution, and possible attraction of strip development if not controlled by zoning. (Region 4)
(FHWA-TN-EIS-76-01-F)
COMMENTS MADE BY: EPA DOC DOT DOI COE
(EPA ORDER # 80996)

I-15, Through Bear River Valley 09/23

Utah
County: Box Elder
Proposed is the construction of a 15 mile segment of four-lane divided Interstate Route 15, between Interstate 84 near Tremonton and that portion of I-15 under construction near the community of Plymouth, Utah. Environ-

mental impacts would be expected primarily in the spheres of agriculture, wildlife, business relocations, aesthetics, and changes in land use. Some land currently in crop production would be converted to residential use as the growth projected for the valley (resulting from project implementation) is approached.
(FHWA-UT-EIS-76-01-F)
COMMENTS MADE BY: AHP USDA HEW HUD DOI FPC DLAB DOT GSA ICC State and Local Agencies
(EPA ORDER # 81039)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Peter Cook
Director, Office of Federal Activities
Room WSMW 537, 401 M Street, S.W.
Washington, D.C. 20460
(202) 755-0780

EPA, HEADQUARTERS

Final	Date
Dibromochloropropane, Registration Cancelation	09/08

National
This statement announces the EPA Administrator's intent to cancel the registrations of all Dibromochloropropane (DBCP) for a number of vegetables and restrict the use of DBCP on certain vegetables and fruits to certified applicators wearing specified protective equipment. DBCP is widely used by growers to control nematodes on crops and has been found to reduce sperm counts in men exposed to it and has been found to cause cancer in laboratory animals. The Administrator waived all external review and comment upon the proposed action in accordance with Section 6(b) of the Federal Insecticide, Fungicide, and Rodenticide Act.
COMMENTS MADE BY:
(EPA ORDER # 80997)

EPA, REGION 10

Final	Date
Lynwood Wastewater Treatment Facilities	09/18

Washington
County: Snohomish
Proposed is the provision of secondary facilities for the existing sanitary sewerage system in the City of Lynwood, Washington, to replace the existing Lynwood treatment plant at Brown's Bay which affords only primary treatment. The Alderwood Water District will participate in the project through the installation of new gravity interceptors to extend sewer service to the Swamp Creek Basin. All of the communities serviced by the improvement are located in Snohomish County, Washington; however, the proposed Swamp Creek interceptor would discharge to the Municipality of Metropolitan Seattle in King County for treatment.
(Region X) (EPA910/9-77-040)
COMMENTS MADE BY: AHP COE USDA DOI
State and Local Agencies
(EPA ORDER # 81009)

EPA, REGION 1

Draft — Date

Boston Metro Area Sewerage System, Upgrading — 09/22

Massachusetts
County: Suffolk
Proposed is the centralized treatment of the wastewaters from the entire Boston Metropolitan Sewerage District Service Area, Suffolk County, Massachusetts at the upgraded and expanded facilities on Deer Island to provide secondary treatment for an average daily flow of 586 mgd. The existing northern and southern interceptor systems will be expanded and relieved to accomodate increased flows and growth within the service area. Three alternatives are considered which include: 1) the EMMA Plan which provides secondary treatment at Deer and Nut Islands and two advanced WWT plants, 2) no action, and 3) modified no action.
(EPA ORDER # 81030)

Draft Supplement — Date

WWT and Collection Facilities, Tisbury, Oak Bluffs — 09/08

Massachusetts
County: Dukes
This statement supplements a draft EIS filed in September, 1977 concerning wastewater collection and treatment facilities for Tisbury, Oak Bluffs and West Tisbury, Dukes County, Massachusetts. The statement considers a construction program of: 1) wastewater collection facilities in Tisbury, 2) a secondary treatment/night-soil composting facility on site location between Vineyard Haven and Lake Tashmoo, and 3) implementation of non-structural measures to improve on-lot wastewater disposal.
(EPA ORDER # 80993)

EPA, REGION 4

Final — Date

Cement Plant and Limestone Quarry, Permit — 09/01

Alabama
County: Mobile Monroe
The proposed action is the issuance of a NPDES Permit and other necessary certificates and permits to the Ideal Basic Industries for construction and operation of a cement plant and limestone quarry. The plant will be located in the Theodore Industrial Park, Mobile County, Alabama, on 50 acres and will include docking facility, grinding mills, kilns, storage and mixing silos, storage tanks, and raw material storage piles. The quarry will be located in Monroe County, Alabama on a 4,035 acre site and will consist of in part, docking and loading facilities,

clarification basins, limestone storage piles, and fuel tanks. (EPA 904/9-78-018)
COMMENTS MADE BY: DOC HUD EPA DOI DOE CCE HEW
State and Local Agencies
Groups, Individuals and Businesses
(EPA ORDER # 80972)

Final Swift Creek Chemical Complex, NPDES Permit 09/11

Florida
County: Hamilton
This proposal concerns the issuance of an NPDES permit to the Occidental Chemical Company for the construction of a new chemical plant in Hamilton County, Florida. The construction of the new Swift Creek Chemical Complex is part of a two phase plan to increase the superphosphoric acid capacity of its north Florida phosphate fertilizer manufacturing complex. The facility will require approximately 50 acres for the plant and 275 acres for a cooling pond and other features.
(EPA 904/9-78-020)
COMMENTS MADE BY: FERC USDA DOC HEW EPA
State and Local Agencies
Groups
(EPA ORDER # 80992)

EPA, REGION 7

Final Date

Ottumwa Generating Station, NPDES Permit 09/05

Iowa
Proposed is the issuance of a new source NPDES permit for discharge of wastewaters from Iowa Southern Utilities' proposed Ottumwa Generating Station (OGS). The proposed site for the 727 megawatt coal-fired steam-electric generating station is located adjacent to the Des Moines River approximately 8 miles northwest of Ottumwa, Iowa. OGS will utilize a closed-cycle cooling system and will require make-up water at a rate of 17 cfs at maximum load conditions. Total discharge to the Des Moines River is estimated to be 1.4 cfs at maximum load conditions. The Des Moines River will be impacted by water withdrawal and wastewater discharge. (EPA-907/9-78-001)
COMMENTS MADE BY: DOI DOT DOC HUD
State and Local Agencies
Groups, Individuals and Businesses
(EPA ORDER # 80977)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders
Executive Director, Environmental Affairs Division
General Services Administration
18th and F Streets, N.W.
Washington, D.C. 20405
(202) 566-0405

Draft — Date

Federal Building, Parking, Vehicle Maint., Omaha — 09/28

Nebraska
County: Douglas
Proposed is the construction of a federal office building, parking facility, and vehicle maintenance facility on a site of at least 127,000 square feet to be acquired in the downtown area of Omaha, Douglas County, Nebraska. Seven alternatives are considered which include: 1) no action; 2) utilization of existing government-owned space; 3) utilization of leased space; 4) construction of new facilities, retention of old facilities with consolidation of leased locations; 5) alteration/modernization; 6) acquisition and renovation of an existing non-federal building or facility; and 7) construction of new facilities, disposal of old ones.
(EPA ORDER # 81049)

Final — Date

Leasehold 1900 Half Street SW, Buzzards Point — 09/29

District of Co
GSA proposes that full occupancy be achieved for the 461,500 square feet of space in the 1900 Half Street Building, located in the Buzzard Point area of Southwest Washington, DC. In August 1973, GSA acquired a leasehold interest in this property which includes 271 parking spaces. Presently, the building is partially occupied by 1,085 Federal Government employees and GSA proposes to move agencies and employees in to fill the vacant space. At full occupancy, the building will house approximately 2,300 to 2,700 employees.
(EDC 78004)
COMMENTS MADE BY: DOI DOT CCE FERC DOC EPA HUD
Local Agencies
Groups, Individuals and Businesses
(EPA ORDER # 81056)

U.S. Federal Courthouse Annex, Detroit — 09/14

Michigan
County: Wayne
Proposed is the construction of a detention facility by the Federal Bureau of Prisons (BOP) near the U.S.

Courthouse in downtown Detroit. Designed as a short-term detention /correctional facility, the Federal Courthouse Annex (FCA) will be occupied primarily by detainees awaiting trial or sentencing. Adverse impacts include the displacement of three commercial concerns.

COMMENTS MADE BY: USDA COE EPA DOI DOC FERC
State and Local Agencies
Groups and Individuals

(EPA ORDER # 81003)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun
Director, Office of Environmental Quality
Department of Housing and Urban Development
451 7th Street, S.W.
Washington, D.C. 20410
(202) 755-6308

Draft — Date

Maryvale Terrace, Phoenix — 09/15

Arizona
County: Maricopa
Proposed is the issuance of home mortgage insurance for the Maryvale Terrace subdivision located in Phoenix, Maricopa County, Arizona. The project will encompass approximately 141 acres and consist of the development of 618 living units. Alternatives considered include: 1) no development, 2) increased density, 3) decreased density, and 4) recreational use.
(HUD-R09-EIS-78-3D)
(EPA ORDER # 81006)

Village Park, Waipahu, Oahu Island — 09/21

Hawaii
County: Honolulu
Proposed is the issuance of HUD home mortgage insurance for the Village Park Subdivision, Waipahu, Oahu Island, Hawaii. The project is located on 316.4 acres and is expected to house an estimated 6750 people. Development will provide 1445 single family detached units, 310 condominium units, 4.5 acres of commercial land, a grade school and 2 parks. The balance of the land remains in gulch, easements or unaccessible. Alternative site designs and no project are considered.
(HUD-R09-EIS-78-6D)
(EPA ORDER # 81027)

Westgate Heights Subdivision, Albuquerque — 09/06

New Mexico
County: Bernalillo
Proposed is the issuance of home mortgage insurance for the Westgate Heights Subdivision, Albuquerque, Bernalillo County, New Mexico. When completed, the subdivision, which encompasses approximately 904 acres, is expected to consist of single family, multi-family, and apartment housing units, as well as schools, churches commercial, park and recreation facilities. The proposal was submitted by the Associated Investment Company.
(HUD-R06-EIS-78-36D)
(EPA ORDER # 80980)

Draft — Date

Three Lakes Subdivision — 09/05

Texas
County: Harris
Proposed is the issuance of home mortgage insurance for the Three Lakes Subdivision located in Harris County, Texas. The proposed development plan for the project provides for the construction of approximately 1,665 single family homes and encompasses approximately 370 acres. This proposal was submitted by Homecraft Land Development Incorporated on behalf of Home Land Incorporated.
(HUD-R06-EIS-78-42-D)
(EPA ORDER # 80979)

Alderbrook Estates, Master Plan — 09/26

Washington
County: King
Proposed is the issuance of home mortgage insurance for Alderbrook Estates in King County, Washington. The subdivision, which encompasses approximately 171.75 acres, will include approximately: 1) 541 single-family lots, 2) 170 multi-family units, and 3) 87,000 square feet of business space. The three alternatives considered are: 1) disapproval of the proposed development or cancellation by the applicant, 2) disapproval of one or both rezone applications, 3) rejection of participation by HUD.
(HUD-R-10-EIS-78-4D)
(EPA ORDER # 81041)

Final — Date

Cornerstones Subdivision — 09/19

Texas
County: Harris Fort Bend
The proposed action is for HUD to accept for HUD-FHA Home Mortgage Insurance purposes under Section 203(b) of Title II of the National Housing Act of 1934, the proposed Cornerstones Subdivision located in the far western part of Harris County and the northeastern part of Fort Bend County, Texas. When completed, the subdivision will contain about 2,047 single family homes plus recreational facilites to serve the subdivision.
(HUD-R06-EIS-78-8-F)
COMMENTS MADE BY: EPA DOD USDA AHP DOT DCI
State and Local Agencies
(EPA ORDER # 81014)

Final **Woodbridge Subdivision, Bedford** 09/19

Texas
County: Tarrant
Proposed is the granting of FHA mortgage insurance to Centennial Homes, Inc for development of the Woodbridge Subdivision located in the City of Bedford, Tarrant County, Texas. The proposed community consists of 132.05 acres where upon 477 single-family units will be erected. The site includes 3.6 acres which will be developed into a park for recreation use. Proposed plans also entail 28 acres to be devoted to retail purposes.
(HUD-RC6-EIS-78-32F)
COMMENTS MADE BY: USDA COE DOI DOE DOC
State and Local Agencies
Groups
(EPA ORDER # 81015)

Section 104(h)

Draft Date

Port/Marina Development Project, Richmond 09/06

California
County: Contra Costa
Proposed is a marina/port development project which encompasses 965 acres within a redevelopment project located in Richmond, Contra Costa County, California. The Marina portion of the plan includes a 2,000 berth marina for small boats; 2,000-4,000 new residential units; new commercial uses; parking; and a significant amount of recreational container berths; a support area and the interfacing of rail and water transportation.
(EPA ORDER # 80984)

Central Business Redevelopment, Los Angeles 09/22

California
County: Los Angeles
Proposed is the development of the Los Angeles City Central Business District, Los Angeles County, California. The project intends the rehabilitation of existing deteriorated structures; improvement of the local street system; expansion of park, recreation and public facilities; development of new commercial and industrial facilities; and expansion of low and moderate income, elderly, and other housing in the downtown area. Alternatives include: 1) no project, 2) reduction/elimination of proposed housing development, 3) restriction/elimination of all new commercial developments, and 4) elimination of peripheral parking proposals.
(EPA ORDER # 81028)

Draft Pico-Union Redevelopment, Los Angeles 09/22
California
County: Los Angeles
This proposal is primarily a rehabilitation/conservation type project, the primary objective of which is to rehabilitate and/or replace existing deteriorated housing for the 227 acre Pico-Union Area, Los Angeles City, Los Angeles County, California. Related project objectives include the improvement of the local street system, expansion of park and recreational facilities, and development of new commercial and industrial facilities. Alternatives include: 1) no project, 2) total commercial use, 3) total industrial use, and 4) total public open space use.
(EPA ORDER # 81029)

North Hollywood Redevelopment Project 09/29

California
County: Los Angeles
Proposed is the redevelopment of north Hollywood located in Los Angeles City, Los Angeles County, California. Features of the project include: 1) rehabilitation of existing deteriorated residential and commercial structures, 2) new residential and commercial development, 3) development of community facilities, 4) open space development, and 5) improvement of the local street system. Four alternatives are considered which include: 1) no project, 2) delay in the project, 3) change of project, and 4) change in design of project.
(B-78-MC-05-0523)
(EPA ORDER # 81052)

Citron-Date Housing Project, McCully 09/05

Hawaii
County: Honolulu
Proposed is the issuance of block grant funds for the construction of a seven story multifamily tower over a two-level parking structure to be known as the Citron-Date Housing Project located in McCully, Honolulu County, Oahu Island, Hawaii. The project will contain 99 units and 107 parking spaces. Three alternatives are considered which include: 1) retain in present use, 2) develop as higher density residential, 3) develop as single family residential.
(EPA ORDER # 80976)

The above EIS was withdrawn by the Department of Community Development in Honolulu, Hawaii by letter dated November 27, 1978. Notice of the withdrawal was published in the Federal Register December 11, 1978.

Draft | Date

East Temple Residential Project | 09/06

Texas
County: Bell
Proposed is a multi-year project under the Community Development Block Grant Program located in Temple, Bell County, Texas. The project, to be known as the East Temple Residential Project, will encompass approximately 115 acres of land, and will consist of the construction of a single-family residential subdivision of about 450 units for low and moderate income homebuyers. Also included is the expansion of Wilson Park, and the dedication of right-of-way for the extension of a major thoroughfare.
(EPA ORDER # 80982)

Final Lovick-Trussville Water Project 09/26

Alabama
County: Jefferson
The proposed action will involve the extension of a potable water supply to residents within the Lovick-Trussville Impact Area, located in Jefferson County, Alabama. The project will extend water to 153 households, dispersed over 6.5 square miles, and require placement of 47,520 linear feet of pipe. The existing Birmingham Water Works Board (BWWB) mains would be tapped and water piped into the impact area. The BWWB will assume the related engineering and maintenance responsibilities.
(CD-4-C2-21A-LVK)
COMMENTS MADE BY: DOI DOT CCE AHP
State Agencies
(EPA ORDER # 81044)

STATE DEPARTMENT

Contact: Mr. Cameron Sanders
Office of Environmental Affairs
Department of State
Washington, D.C. 20520
(202) 632-9169

Draft — Date

Rio Grande Boundary Preservation — 09/28

Texas
County: Hudspeth Presido
Proposed is a joint US-Mexico project which would restore and provide for the preservation of the Rio Grande River as an International Boundary in accordance with the 1970 Boundary Treaty. The proposed action includes restoration of about 86 miles of river channel and a narrow strip of grasslands along each side of 170 miles of river channel between Fort Quitman and Presido, Hudspeth and Presido Counties, Texas. Four alternatives are considered which include: 1) no action, 2) monument the boundary, 3) restoration and preservation of the channel of the Rio Grande as the Boundary, and 4) alternative 3 with wildlife enhancement.
(EPA ORDER # 81048)

Final — Date

High Seas Fisheries, North Pacific, Renegotiation — 09/20

The proposed action is the adoption of a US-Canada-Japan Protocol to amend the International Convention for the High Seas Fisheries of the North Pacific Ocean (INPFC), with Annex and Agreed Minutes, a US-Canada-Japan Memorandum of Understanding on Salmon, and a US-Japan Memorandum of Understanding on marine mammals. The purpose of the action is to reduce interceptions of North American origin salmon by Japanese fisheries, development of cooperative research on marine mammals, and eliminate the incidental catch of marine mammals in the North Pacific Ocean and the Bering Sea through International agreements.
COMMENTS MADE BY: CIA DCI CGD DOT
Groups and Individuals
(EPA ORDER # 81021)

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm
Coordinator
Environmental Quality Activities
U.S. Department of Agriculture
Room 359A
Washington, D.C. 20250
(202) 447-3965

Forest Service

Draft — Date

Zeigler Planning Unit, Kootenai NF — 09/12

Montana
County: Lincoln
Proposed is a land management plan for the Ziegler Planning Unit of the Kootenai National Forest located in Lincoln County, Montana. Features of the proposal are: 1) maintenance or improvement of stream recreation, 2) protection of fisheries, watershed, and wildlife throughout the Unit, 3) management of Forest Development Road as a land access road, 4) use and management of wood, water and forage resources, and 5) reevaluation of wilderness resource areas. Two alternatives are considered which include: 1) emphasis on economic development, and 2) emphasis on natural quality and wilderness study.
(R1-78-12-USDA-FS-DES(ADM))
(EPA ORDER # 80995)

Paw-Paw Bottoms RC&D Measure Plan — 09/14

Oklahoma
County: Sequoyah
Proposed is a RC&D Measure Plan for 4,030 acres of alluvial area within Paw Paw Bottoms located in Sequoyah County, Oklahoma. The project plan involves 8.13 miles of channel work and three grade control structures. The channel will be trapezoidal in shape. In addition to no project, two alternatives were considered which consisted of: 1) channel structural measures, and 2) nonstructural measures including use of higher natural levees for crops, areas with moderate problems for pasture and hayland, and use of severe areas as natural wildlife areas.
(USDA-SCS-EIS-RC&D(Adm)-77-3-D-OK)
(EPA ORDER # 81004)

Desolation Land Management Plan, Umatilla NF — 09/25

Oregon
County: Union Grant Umatilla
Proposed is a land management plan for the 448,640 acre Desolation Planning Unit, Umatilla National Forest, Umatilla, Union and Grant Counties, Oregon. The preferred

alternative features: 1) the management of the Greenhorn Mountain Area for future designation as a special interest area, 2) primitive/remote undeveloped recreational areas, 3) commodity management and production with management of elk and fish habitat, 4) a historical and cultural assessment area, and 5) wood fiber production and domestic grazing areas. Seven alternatives are considered in total.
(USDA-FS-06-14-78-02)
(EPA ORDER # 81036)

Draft

High Uintas South Slope Land Management, Ashley NF 09/11

Utah
County: Wasatch Uintah Duchesne
Proposed is a land management plan for the High Uintas South Slope, Ashley National Forest, Wasatch, Uintah and Duchesne Counties, Utah. The Unit encompasses approximately 536,227 acres of land. The preferred alternative calls for the development of recreation facilities around the Central Utah Project reservoirs in the canyon bottoms, and commodity production from the intervening plateaus. Also included in this statement is the High Uintas Roadless Area Review. Four alternatives are considered.
(USDA-FS-R4-DES(ADM)R4-78-9)
(EPA ORDER # 80991)

Greys-Salt River Planning Unit, Bridger-Teton NF 09/01

Utah
County: Lincoln
Proposed is a land management plan for the Greys-Salt River planning unit located in Bridger-Teton National Forest, Lincoln County, Wyoming. Alternatives for the management plan include emphasis on: 1) dispersed recreation with recommendation for wilderness study for roadless areas, 2) dispersed recreation with minimum development and no wilderness study of roadless areas, 3) non-commodity key values, 4) commodity key values, 5) balance of all values (proposed-plan), and 6) commodity production regardless of key values.
(USDA-FS-R4-DES-ADM-78-8)
(EPA ORDER # 80973)

Cowlitz Planning Unit, Gifford Pinchot NF 09/01

Washington
County: Lewis Pierce
Proposed is a land management plan for the Cowlitz Planning Unit, Gifford Pinchot National Forest, Lewis and Pierce Counties, Washington. The plan would effect 124,300 acres of the unit and would include: 1) classification of 76,290 acres as general forest, 2) wildlife management on 24,140 acres, 3) 7,110 acres added to the wilderness study area, 4) continuance of 550 acres as a natural area, 5) 1,250 acres allocated as an unroaded recreation area, 6) 110 acres of roaded recreation area, 7) 110 acres for developed re-

creation, and 8) protection of eighty-five miles of stream. Timber harvest management is included.
(USDA-FS-R6-DES-(ADM)-78-13)
(EPA ORDER # 80970)

Final — Date

Ozark N.F. Timber Plan — 09/18

Arkansas
County: Several
The proposed action is the implementation of a 10-year Management Plan for the Ozark National Forest in northwest Arkansas. An estimated 9,140 acres will be site prepared and reforested annually, with the possibility of an additional 2,360 acres being reforested annually. Other annual proposed actions provide for 6,000 acres of noncommercial thinning in hardwood poletimber stands, 2,000 acres of precommercial thinning in young pine stands and 5,500 acres of release treatment (mostly in young pine stands). Shifts in wildlife populations will occur.
(USDA-FS-R8 FES Admin 77-07)
COMMENTS MADE BY: USDA DOI EPA COE DOI
State Agencies
Individuals
(EPA ORDER # 81010)

Trabuco Unit Plan, Cleveland N.F. — 09/25

California
County: Orange Riverside San Diego
Proposed is the selection of a new Land Management Plan for portions of the Cleveland National Forest in San Diego, Orange, and Riverside Counties, California. Four alternative plans are proposed: 1) continue the present management program, 2) increase the present levels of opportunities for recreation uses with emphasis on dispersed use, 3) emphasize the high levels of developed recreation opportunities with major increases in road and trail construction for access by standard automobiles, and 4) emphasize the primitive and near primitive recreation.
COMMENTS MADE BY: EPA AHP USDA DOI DOD DOI DOE
State and Local Agencies
Individuals and Businesses
(EPA ORDER # 81037)

Great Bear Wilderness Proposal — 09/26

Montana
Proposed is the addition to the wilderness system of two separate units in northwestern Montana; the 289,400 acre western portion is on the Flathead National Forest and the 9,600 acre eastern portion is on the Lewis and Clark National Forest. Both areas are adjacent to the northern boundary of the Bob Marshall Wilderness. The

wilderness quality of the Study Area is very high and although most of the Study Area is suitable for wilderness, 26,440 acres are not recommended because of the need for a more manageable wilderness boundary.
COMMENTS MADE BY: DOI EPA FPC
State Agencies
(EPA ORDER # 81042)

Final Klamath Basin Working Circle, Timber Plan 09/19

Oregon
County: Lake Klamath
Proposed is a revision of the 10-Year Timber Resource Plan for the Klamath Basin Working Circle of the Fremont and Winema National Forests. The Working Circle is located in Lake and Klamath Counties, South Central Oregon. Five alternatives are presently under consideration. The preferred alternative proposes a potential yield of 234 MMBF per year. This is based on the sustained yield and even flow concept. Intensive timber management practices are proposed that will enable a greater harvest during the plan period. Roads will be constructed, skid trails opened up, and a general disturbance of portions of the forest floor will occur.
COMMENTS MADE BY: USDA EPA DOI
State and Local Agencies
(EPA ORDER # 81016)

Final Supplement Date

Huston Park Land Management Plan, Medicine Bow NF 09/01

Wyoming
County: Carbon
This statement supplements a final EIS filed in September 1977 concerning a land management plan for the 63,560 acre Huston Park Unit located on the Hayden District of the Medicine Bow National Forest, Carbon County, Wyoming. The selected alternative has been changed and features: 1) division or unit into six management units, 2) recreational use, 3) management of stands of trees, 4) domestic livestock use, and 5) wildlife habitat management. Ten alternatives are considered.
(USDA-FS-R2-SFES(Adm)FY-77-02)
(EPA ORDER # 80974)

Rural Electrification Administration

Draft — Date

Cajun Electric Coal-Fired Power Plant — 09/08

Louisiana
County: Pointe Coupee
Proposed is the construction and operation of a new steam electric generating facility by the Cajun Electric Power Cooperative. The project will be located at the Big Cajun No. 2 site, Pointe Coupee Parish, Louisiana. The principal features of the project are 1) a nameplate rating of 565 MW, 2) fuel obtained from two deposits of western sub-bituminous coal, 3) production of 4,300,000 lbs. per hour of steam, 4) limit oxides of nitrogen emissions to a maximum of 0.7 pounds per million Btu heat input, 5) particulate removal treatment, 6) water supplied from the Mississippi River, 7) tie-in lines from the switch-yard to existing distribution systems. (USDA-REA-EIS(ADM)-78-11-D)
(EPA ORDER # 80967)

Soil Conservation Service

Draft — Date

San Miguelito Subwatershed, Santa Ynez River — 09/22

California
County: Santa Barbara
Proposed is a plan for the San Miguelito Subwatershed as related to the Santa Ynez Flood Prevention Project located in Santa Barbara County, California. The project includes: 1) maintaining existing land treatment measures in the upper watershed, 2) structural measures including the enlarging of an existing debris basin and the enlarging and concrete lining of an existing 2.7 miles of earthen channel, 3) concrete lining of an existing 0.2 mile earthen dam above the debris basin, and 4) landscaping as right-of-way permits.
(EPA ORDER # 81035)

Draft Baker River Watershed, South Branch 09/20

New Hampshire
County: Grafton
Proposed is a multiple-purpose dam on the South Branch of the Baker River in Grafton County, New Hampshire. The purpose of the dam is flood protection and recreation, and is a continuation of the 1963 Baker River Watershed Project Plan. Five alternatives are considered which include: 1) nonstructural land treatment, relocation, and other measures, 2) structural measures proposed in the 1963 plan, 3) flood prevention and land treatment only, 4) recreation development and land treatment only, and 5) no project.
(USDA-SCS-EIS-WS-(ADM)-78-1-(D)-NH)
(EPA ORDER # 81020)

Final Date

Rural Clean Water Program 09/06
This statement analyzes alternative methods of administration of the Rural Clean Water Program (RCWP) which provides financial assistance for implementing plans under the Clean Water Act of 1977. The purpose of RCWP is to control nonpoint sources of pollution on private rural lands. Selected high priority areas will be eligible for special technical assistance and cost-sharing to rural land users applying best management practices to improve water quality. Participation in the program is voluntary.
COMMENTS MADE BY: DOC USDA EPA
State Agencies
Groups, Businesses and Individuals
(EPA ORDER # 80981)

VETERANS ADMINISTRATION

Contact: (For Housing Programs)
Mr. Lyman T. Miller
Assistant Director for Construction and Valuation
Veterans Administration
810 Vermont Avenue
Washington, D.C. 20420
(202) 389-2691
(Medicine and Surgery)
Mr. Jon E. Baer
Chief, Environmental Planning Division
Veterans Administration
Washington, D.C.
(202) 389-3316

Final — Date

V.A. Replacement Hospital, Richmond — 09/14

Virginia
County: Richmond
Proposed is the construction of an 820-bed Replacement Veterans Administration Hospital to be located on the existing 130-acre Veterans Administration property in Richmond, Virginia. The proposed new construction will replace a functionally inadequate and outmoded facility presently existing at the Veterans Administration Hospital, Richmond. Adverse effects include impacts on soil erosion and increased dust and noise levels.
COMMENTS MADE BY: EPA DOI HEW HUD DOT USDA
State and Local Agencies
(EPA ORDER # 81001)

SUMMARY OF 102 STATEMENTS FILED THROUGH SEPTEMBER 1978
(By Agency)

Agency	Draft 102's for Actions on which no Final 102's have been rec.	Final 102's on Legislation and Actions	Suppl.	Total Actions on which Draf or Final Stat have been rec
Agriculture, Department of	211	939	20	1170
Appalachian Regional Commission	1	0	0	1
Architect of the Capitol	0	1	0	1
Canal Zone Government	0	2	0	2
Civil Aeronautics Board	1	3	0	4
Commerce, Department of	28	105	33	166
Consumer Product Safety Comm.	0	1	0	1
Defense, Department of	14	10	2	26
Air Force	8	32	2	42
Army	1	35	4	40
U.S. Army Corps of Engineers	572	1231	91	1894
Navy	11	48	5	64
Delaware River Basin Comm.	4	8	0	12
Energy, Department of	5	11	2	18
Energy Policy Office	0	1	0	1
Energy Research & Devel. Admin.	4	18	0	22
Environmental Protection Agency	64	153	12	229
Federal Energy Administration	11	14	6	31
Federal Maritime Commission	3	0	0	3
Federal Energy Regulatory Comm.	85	72	6	163
Federal Trade Commission	1	0	0	1
General Services Administration	26	118	5	149
Great Lakes Basin Commission	1	0	0	1
HEW, Department of	3	20	0	23
HUD, Department of	103	443	11	557
Interior, Department of	164	445	14	623
International Boundary and Water Comm. -- U.S. and Mexico	0	10	0	10
Interstate Commerce Commission	12	19	0	31
Justice, Department of	2	3	0	5
Labor, Department of	5	9	0	14
Nat'l. Aeronautics & Space Admin.	10	27	5	42
Nat'l. Capitol Planning Comm.	5	9	0	14
Nat'l. Science Foundation	0	7	0	7
New England River Basins Comm.	3	0	0	3
Nuclear Regulatory Commission	54	197	17	268
Office of Science Technology	0	1	0	1
Ohio River Basin Commission	4	1	0	5
Pacific Northwest River Basins Comm.	3	0	0	3
Pennsylvania Ave. Devel. Corporation	0	1	0	1
Souris-Red-Rainy River Basins Comm.	1	0	0	1
State Department	5	9	0	14
Tennessee Valley Authority	9	33	0	42
Transportation, Department of	989	2521	66	3576
Treasury, Department of	4	7	0	11
Upper Mississippi River Basin Comm.	2	0	0	2
U.S. Postal Service	3	6	0	9
U.S. Water Resources Council	7	9	0	16
Veterans Administration	6	13	0	19
	2445	6592	301	9338

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

102 MONITOR

The 102 Monitor is a monthly publication of the Environmental Protection Agency. In addition to its listing of Environmental Impact Statements which have been filed under the provisions of the National Environmental Policy Act (NEPA), the Monitor contains a list of EPA's comments, filed under the provisions of Section 309 of the Clean Air Act, as amended; items of current concern in NEPA case law; information on the environmental studies of the Council on Environmental Quality; and other matters of interest.

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